

Extra Ordinary Part-IV / 2016

| Extra No. | Date | Department |
|-------------|------------|--|
| Extra No.1 | 18-03-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.2 | 21-03-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.3 | 21-03-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.4 | 22-03-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.5 | 31-03-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.6 | 31-03-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.7 | 31-03-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.8 | 31-03-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.9 | 01-05-2016 | Social Justice & Empowerment Department |
| Extra No.10 | 06-05-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.11 | 06-05-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.12 | 11-05-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.13 | 10-06-2016 | Health & Family Welfare Department |
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| Extra No.15 | 26-08-2016 | Legislative & Parliamentary Affairs Department |
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| Extra No.18 | 16-09-2016 | Legislative & Parliamentary Affairs Department |
| Extra No.19 | 04-10-2016 | Urban Development & Urban Housing Department |
| Extra No.20 | 21-11-2016 | Panchayats, Rural Housing & Rural Development Department |
| Extra No.21 | 03-12-2016 | Urban Development & Urban Housing Department |
| Extra No.22 | 15-12-2016 | Revenue Department |
| Extra No.23 | 19-12-2016 | Home Department |
| Extra No.24 | 20-12-2016 | Legislative & Parliamentary Affairs Department |

Extra No. 1

વાર્ષિક લવાજમનો દર રૂ. ૩૫૦૦/-



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th March, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 1 OF 2016.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 18th March, 2016).

AN ACT

further to amend the Gujarat Stamp Act, 1958.

It is hereby enacted in the Sixty-seventh Year of the Republic of
India as follows:-

1. This Act may be called the Gujarat Stamp (Amendment) Act, 2016. **Short title.**

Amendment of
section 17 of
Bom. LX of
1958.

2. In the Gujarat Stamp Act, 1958, (hereinafter referred to as "the principal Act"), in section 17, after the existing proviso, the following proviso shall be added, namely:-

"Provided further that the instrument, so far as it relates to reconstruction or amalgamation of companies by an order of the High Court under section 394 of the Companies Act, 1956 shall be stamped within thirty days from the date of the order of the High Court." 1 of 1956.

Amendment of
section 53 of
Bom. LX of
1958.

3. In the principal Act, in section 53, in sub-section (1), to clause (a), the following proviso shall be inserted, namely:-

"Provided that if the Chief Controlling Revenue Authority is satisfied that such person was prevented for sufficient reasons from presenting the application within the period specified above, he may allow such person to present the application within a further period of ninety days on payment of non-refundable amount of rupees one thousand for every thirty days or part thereof."



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 17th March, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 2 OF 2016.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 21st March, 2016).

AN ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2016.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2016. Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum six thousand seven hundred twenty-seven crores fifty-eight lakhs, eighty-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2016, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
₹ 67, 27, 58,
82,000/- from
and out of the
Consolidated
Fund of the
State of Gujarat
for the financial
year 2015-2016.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE
(See sections 2 and 3)

| Demand No. of Vote/Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|----------------------------------|---|---------------------|--------------------|----------------------------------|-------------|
| | | | Voted | Charged on the consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | | 3 | 4 | 5 |
| 1 | Agriculture and Co-operation Department | Revenue | 600000 | 0 | 600000 |
| | | Capital | 4200000 | 0 | 4200000 |
| 2 | Agriculture | Revenue | 0 | 1279000 | 1279000 |
| 3 | Minor Irrigation, Soil Conservation and Area Development | Revenue | 10244000 | 0 | 10244000 |
| 4 | Animal Husbandry and Dairy Development | Revenue | 0 | 10241000 | 10241000 |
| 5 | Co-operation | Capital | 361339000 | 0 | 361339000 |
| 6 | Fisheries | Revenue | 130263000 | 0 | 130263000 |
| 7 | Other Expenditure pertaining to Agriculture and Co-operation Department | Revenue | 0 | 68000 | 68000 |
| 9 | Education | Revenue | 17022168000 | 21000000 | 17043168000 |
| 10 | Other Expenditure pertaining to Education Department | Revenue | 2299000 | 0 | 2299000 |
| 13 | Energy Projects | Revenue | 11749400000 | 0 | 11749400000 |
| | | Capital | 1001864000 | 0 | 1001864000 |
| 19 | Other Expenditure pertaining to Finance Department | Revenue | 1000 | 0 | 1000 |
| 20 | Repayment of debt pertaining to Finance Department and its Servicing | Revenue | 0 | 14000 | 14000 |
| 22 | Civil Supplies | Revenue | 140268000 | 0 | 140268000 |
| 26 | Forest | Revenue | 0 | 3004000 | 3004000 |
| 30 | Council of Ministers | Revenue | 5016000 | 0 | 5016000 |
| 31 | Election | Revenue | 247446000 | 505000 | 247951000 |
| 32 | Public Service Commission | Revenue | 83439000 | 0 | 83439000 |
| 34 | Economic Advice and Statistics | Revenue | 385359000 | 0 | 385359000 |
| 35 | Other Expenditure pertaining to General Administration Department | Revenue | 0 | 1047000 | 1047000 |
| | | Capital | 257782000 | 0 | 257782000 |
| 36 | State Legislature | Revenue | 34504000 | 0 | 34504000 |
| 38 | Health and Family Welfare Department | Revenue | 587000 | 0 | 587000 |
| 39 | Medical and Public Health | Revenue | 1380294000 | 17579000 | 1397873000 |
| | | Capital | 1000 | 0 | 1000 |
| 40 | Family Welfare | Revenue | 362813000 | 0 | 362813000 |

| Demand No. of Vote/Appropriation | Services and Purposes | Revenue/Capital | Sums not exceeding | | |
|----------------------------------|---|-----------------|--------------------|----------------------------------|------------|
| | | | Voted | Charged on the consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | | 3 | 4 | 5 |
| 43 | Police | Revenue | 136685000 | 2542000 | 139227000 |
| 46 | Other Expenditure pertaining to Home Department | Revenue | 440762000 | 98174000 | 538936000 |
| | | Capital | 20900000 | 42529000 | 63429000 |
| 48 | Stationery and Printing | Revenue | 4921000 | 0 | 4921000 |
| 50 | Mines and Minerals | Revenue | 1013000 | 0 | 1013000 |
| 51 | Tourism | Revenue | 415000 | 0 | 415000 |
| | | Capital | 0 | 4068000 | 4068000 |
| 52 | Other Expenditure pertaining to Industries and Mines Department | Capital | 247000 | 0 | 247000 |
| 55 | Other Expenditure pertaining to Information and Broadcasting Department | Revenue | 54346000 | 0 | 54346000 |
| | | Capital | 581000 | 0 | 581000 |
| 59 | Legal Department | Revenue | 1300000 | 0 | 1300000 |
| 60 | Administration of Justice | Revenue | 0 | 2000 | 2000 |
| 61 | Other Expenditure pertaining to Legal Department | Revenue | 1000 | 3918000 | 3919000 |
| 62 | Legislative and Parliamentary Affairs Department | Revenue | 1962000 | 0 | 1962000 |
| 63 | Other Expenditure pertaining to Legislative and Parliamentary Affairs Department | Capital | 150000 | 0 | 150000 |
| 66 | Irrigation and Soil Conservation | Revenue | 1000 | 0 | 1000 |
| | | Capital | 2858878000 | 350000000 | 3208878000 |
| 67 | Water Supply | Revenue | 8000000 | 0 | 8000000 |
| | | Capital | 230244000 | 0 | 230244000 |
| 68 | Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 0 | 600000000 | 600000000 |
| 70 | Community Development | Revenue | 3291846000 | 0 | 3291846000 |
| 71 | Rural Housing and Rural Development | Revenue | 0 | 2159939000 | 2159939000 |
| 73 | Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 1512180000 | 0 | 1512180000 |
| | | Capital | 3509000 | 0 | 3509000 |
| 74 | Transport | Revenue | 1000 | 0 | 1000 |
| 75 | Other Expenditure pertaining to Ports and Transport Department | Revenue | 695900000 | 0 | 695900000 |
| | | Capital | 738000 | 0 | 738000 |

| Demand No. of Vote/Appropriation | Services and Purposes | Revenue/Capital | Sums not exceeding | | |
|----------------------------------|--|-----------------|--------------------|----------------------------------|-------------|
| | | | Voted | Charged on the consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | | 3 | 4 | 5 |
| 79 | Relief on account of natural calamities | Revenue | 9840326000 | 0 | 9840326000 |
| | | Capital | 5700000 | 0 | 5700000 |
| 81 | Compensation and Assignments | Revenue | 479000 | 525000 | 1004000 |
| 83 | Roads and Buildings Department | Revenue | 161000 | 0 | 161000 |
| 84 | Non-Residential Buildings | Revenue | 0 | 14916000 | 14916000 |
| | | Capital | 3000 | 0 | 3000 |
| 86 | Roads and Bridges | Revenue | 2035324000 | 0 | 2035324000 |
| | | Capital | 5000 | 0 | 5000 |
| 87 | Gujarat Capital Construction Scheme | Capital | 0 | 3298000 | 3298000 |
| 88 | Other Expenditure pertaining to Roads and Buildings Department | Revenue | 40000000 | 60000000 | 100000000 |
| 89 | Science and Technology Department | Revenue | 1000 | 0 | 1000 |
| 92 | Social Security and Welfare | Revenue | 1567084000 | 0 | 1567084000 |
| | | Capital | 19209000 | 0 | 19209000 |
| 93 | Welfare of Scheduled Tribes | Revenue | 104247000 | 0 | 104247000 |
| 95 | Scheduled Castes Sub-Plan | Revenue | 568301000 | 0 | 568301000 |
| 96 | Tribal Area Sub-Plan | Revenue | 1271434000 | 10000000 | 1281434000 |
| | | Capital | 2000 | 0 | 2000 |
| 101 | Urban Housing | Revenue | 98000 | 363944000 | 364042000 |
| 102 | Urban Development | Revenue | 5610448000 | 0 | 5610448000 |
| 106 | Other Expenditure pertaining to Women and Child Development Department | Revenue | 1000 | 0 | 1000 |
| | Total: | Revenue | 58701938000 | 3368697000 | 62110635000 |
| | | Capital | 4805352000 | 399895000 | 5165247000 |
| | Grand Total: | | 63507290000 | 3768592000 | 67275882000 |



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 19th March, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2016.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 21st March, 2016).

AN ACT

further to amend the Gujarat Land Revenue Code, 1879.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Land Revenue (Amendment) Act, 2016.

Short title
and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 48 of Bom. V of 1879. 2. In the Gujarat Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 48,- Bom. V of 1879.

(1) in sub-section (1), for clause (e), the following clause shall be substituted, namely:-

"(e) for any other purpose or for other different non-agricultural purposes.";

(2) in sub-section (2), for the words "any other purpose, or is used for any other purpose", the words "any other purpose or purposes, or is used for any other purpose or different purposes" shall be substituted;

(3) in sub-section (3), after the words "any other purpose", the words "or different purposes" shall be inserted.

Amendment of section 65 of Bom. V of 1879. 3. In the principal Act, in section 65,-

(i) in sub-section (1), in the paragraph one, after the words "any other purpose", the words "or for other different purposes" shall be inserted;

(ii) in the marginal note of paragraph one, after the words "any other purpose", the words "or for other different non-agricultural purposes" shall be added.

Amendment of section 65A of Bom. V of 1879. 4. In the principal Act, in section 65A,-

(i) after the words "any other non-agricultural purpose", the words "or for other different non-agricultural purposes" shall be inserted;

(ii) in the marginal note, after the words "another non-agricultural purpose", the words "or for other different non-agricultural purposes" shall be added.

Amendment of section 65B of Bom. V of 1879. 5. In the principal Act, in section 65B, in sub-section (1), in clause (b), in sub-clause (I), in paragraph (b), in the second proviso to item (vi), for the words "State Government may exempt, by notification in the *Official Gazette*", the words "Collector may exempt" shall be substituted.

Amendment of section 67A of Bom. V of 1879. 6. In the principal Act, in section 67A,-

(1) in sub-section (1),-

(i) in clause (a), after the words "for any other purpose", the words "or for other different purposes" shall be inserted;

(ii) in clause (b), after the words "for any other purpose", the words "or for other different purposes" shall be inserted;

(2) in sub-section (2),-

- (i) after the words "non-agricultural purpose", wherever they occur, the words "or other different non-agricultural purposes" shall be inserted;
- (ii) in clause (b), for the words, brackets and figures "in column (3) or (4)", the words, brackets and figures "in column (3) or (4) or (5)" shall be substituted;

(3) in sub-section (2A),-

- (i) after the words "non-agricultural purpose" wherever they occur, the words "or other different non-agricultural purposes" shall be inserted;
- (ii) for the words "column of the Table below", the words, brackets and figures "column (3) or (5) of the Table below" shall be substituted;

(4) in sub-section (3), for the existing Table, the following shall be substituted, namely:-

"T A B L E

| Sr. No. | Area in which land is situated | Rate of conversion tax per square meter of land | | |
|------------|--|---|---|---|
| | | when land is to be used for temporary non- agricultural purpose or for residential purpose or for charitable purpose. | when land is to be used for industrial purpose or for any other purpose. | when land is to be used for other different non- agricultural purposes. |
| 1 | 2 | 3 | 4 | 5 |
| 1. | Villages, Municipal boroughs, notified areas and cities having population not exceeding one lakh as per the last census. | Rs. 2.00 | Rs. 6.00 | Rs. 8.00 |
| 2. | Municipal boroughs, notified areas and cities with a population exceeding one lakh as per the last census. | Rs. 10.00 | Rs. 30.00 | Rs. 40.00". |

Government Central Press, Gandhinagar.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 21st March, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2016.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 22nd March, 2016).

AN ACT

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Electricity Duty (Amendment) Act, 2016. Short title.

Bom. XL of 1958. 2. In the Gujarat Electricity Duty Act, 1958 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (2), for clause (v-a), the following clause shall be substituted, namely:- Amendment of section 3 of Bom. XL of 1958.

“(v-a) where the energy is generated by any non-conventional or renewable source of energy as the State Government may, by notification in the *Official Gazette*, specify in this behalf;”.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st March, 2016 is hereby published for general information.

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2016.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 31st March, 2016.)

AN ACT

further to amend the Gujarat Value Added Tax Act, 2003.

It is hereby enacted in the Sixty-seventh Year of the Republic of
India as follows:-

1. (1) This Act may be called the Gujarat Value Added Tax
(Amendment) Act, 2016.

Short title and
commencement.

- (2) It shall come into force on the 1st April, 2016.

Amendment of
section 7 of Guj.1
of 2005.

2. In the Gujarat Value Added Tax Act, 2003 (hereinafter referred to as "the principal Act"), in section 7,-

Guj.1 of 2005.

- (1) in sub-section (1A), in clause (i), for the figures, letters and word "19A, 25, 46B, 48A, 49A, 49B, 51A, 76A and 87", the figures, letters and word "19A, 25, 46B, 48A, 49A, 49B, 49C, 51A, 55A, 76A, 80A and 87" shall be substituted;
- (2) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The State Government may, by notification in the *Official Gazette*,-

- (i) reduce the rate of tax specified in Schedule II in respect of any entry (or part thereof) of the said Schedule II and may, by like notification, omit or amend any entry (or part thereof) of the said Schedule II but not so as to enhance the rate of tax in any case and thereupon Schedule II shall be deemed to have been amended accordingly;
- (ii) add to or omit from, or otherwise amend or modify Schedule III so as to levy tax on the basis of price, weight, volume, measurement or unit, or reduce or enhance the rate of tax payable in respect of any goods specified in Schedule III and thereupon Schedule III shall be deemed to have been amended accordingly."

3. In the principal Act, in section 9, in sub-section (6), in clause (i), for the figures, letters and word "19A, 25, 46B, 48A, 49A, 49B, 51A, 76A and 87", the figures, letters and word "19A, 25, 46B, 48A, 49A, 49B, 49C, 51A, 55A, 76A, 80A and 87" shall be substituted.

Amendment of
section 9 of
Guj.1 of 2005.

4. In the principal Act, in Schedule I, for the entry at serial No. 50, the following entry shall be substituted, namely:-

Amendment of
Schedule I to Guj.
1 of 2005.

| Sr. No. | Description of goods. | Conditions and exceptions subject to which exemption is granted. |
|---------|--|--|
| 1 | 2 | 3 |
| "50 | Salt other than salt specified under entry 42A of Schedule II. | The purchaser shall give a declaration that the salt purchased by him covered under this entry shall not be used for the purpose as specified under entry 42A of Schedule II." |

5. In the principal Act, in Schedule II, -

Amendment of
Schedule II to
Guj. 1 of 2005.

(1) after the entry at serial No.49B, the following entry shall be inserted, namely:-

| Sr. No. | Description of goods. | Rate of tax. |
|---------|---|--|
| 1 | 2 | 3 |
| "49C | Luxury cars, luxury SUVs and luxury two wheelers. | Seventeen and a half paise in the rupee."; |

| | | |
|--|---|--|
| | <p>Explanation.- For the purpose of this entry, "luxury car or luxury SUV" means a car or a SUV with price more than rupees fifteen lakhs and luxury two wheeler means a two wheeler with price more than rupees two and a half lakhs.</p> | |
|--|---|--|

(2) after the entry at serial No.55, the following entry shall be inserted, namely:-

| Sr. No. | Description of goods. | Rate of tax. |
|---------|-----------------------|---|
| 1 | 2 | 3 |
| "55A | <i>Pan masala.</i> | Twenty-two and a half paise in the rupee."; |

(3) after the entry at serial No.80, the following entry shall be inserted, namely:-

| Sr. No. | Description of goods. | Rate of tax. |
|---------|--|--|
| 1 | 2 | 3 |
| "80A | Motor vehicles (except school buses, college buses, passenger buses and goods carrier trucks) sold to companies, firms, HUFs, Societies, institutes, associations of persons or bodies of individuals whether incorporated or not, clubs, trusts, Government departments, Government undertakings Boards-Corporations, local self-Government bodies and artificial juridical person. | Seventeen and a half paise in the rupee.". |



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st March, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 2016.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 31st March, 2016.)

AN ACT

further to amend the Gujarat Tax on Entry of Specified Goods into Local Areas Act, 2001.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Tax on Entry of Specified Goods into Local Areas (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on the 1st April, 2016.

- Amendment of section 2 of Guj. 22 of 2001. 2. In the Gujarat Tax on Entry of Specified Goods into Local Areas Act, 2001 (hereinafter referred to as "the principal Act"), in section 2, for clause (e), the following clause shall be substituted, namely:-

"(e) "importer" means a person who brings or facilitates to bring any of the specified goods into a local area from any place outside the State but not being a place outside the territory of the Union of India, through any means including the on-line purchase, web-based software application or by tele-shopping platform, for consumption, use or sale therein;"

- Amendment of section 3 of Guj. 22 of 2001. 3. In the principal Act, in section 3, after sub-section (2), the following sub-section shall be inserted, namely:-

"(2A) Notwithstanding anything contained in sub-section (2), an importer who facilitates to bring any of the specified goods into a local area from any place outside the State through the means of on-line purchase, web-based software application or by teleshopping platform shall collect the tax from the person for whom such facilitation has taken place and shall pay the same in such manner and within such time limit as may be prescribed."

- Insertion of new section 10A in Guj. 22 of 2001. 4. In the principal Act, after section 10, the following section shall be inserted, namely:-

Special mode of recovery. "10A. (1) Notwithstanding anything contained in any law or contract to the contrary, the Assessing Authority may at any time or from time to time, by notice in writing, a copy of which shall be forwarded to the importer at his last known address, require,-

- (a) any person from whom any amount of monies is due, or may become due, to an importer on whom notice has been served under sub-section (1), or
- (b) any person who holds or may subsequently hold monies for or on account of such importer,

to pay to the Assessing Authority, either forthwith upon the monies becoming due or being held or within the time specified in the notice (but not before the monies becomes due or is held as aforesaid) so much of the monies as is sufficient to pay the amount due by the importer in respect of the arrears of tax or penalty under this Act, or the whole of the money when it is equal to or less than that amount.

Explanation. – For the purposes of this sub-section, the amount of monies due to an importer from, or monies held for or on account of an importer by any person, shall be calculated by the Assessing Authority after deducting therefrom such claims, if any, lawfully subsisting, as may have fallen due for payment by such importer to such person.

- (2) The Assessing Authority may amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.
- (3) Any person making any payment in compliance with the notice under this section shall be deemed to have made the payment under the authority of the importer, and the receipt thereof by the Assessing Authority shall constitute a good and sufficient discharge of the liability of such person to the extent of the amount specified in the receipt.
- (4) Any person discharging any liability to the importer after receipt of the notice referred to in this section, shall be personally liable to the Assessing Authority to the extent of

the liability discharged or to the extent of the liability of the importer for tax and penalty, whichever is less.

- (5) Where a person to whom a notice under this section is sent objects to it by a statement in writing that the sum demanded or any part thereof is not due or payable to the importer or that he does not hold any monies for or on account of the importer, the Assessing Authority shall hold an inquiry and after giving to such person or importer a reasonable opportunity of being heard, make such order as he thinks fit.
- (6) Any amount of monies which the aforesaid person is required to pay to the Assessing Authority, or for which he is personally liable to the Assessing Authority under this section shall, if it remains unpaid, be recoverable as an arrears of land revenue.
- (7) The Assessing Authority may apply to the court in whose custody there is monies belonging to the importer for payment of the amount of such monies towards the outstanding amount of tax and penalty payable by the importer.”.



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The Gujarat Government Gazette

EXTRAORDINARY
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Vol. LVII]

THURSDAY, MARCH 31, 2016/CAITRA 11, 1938

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st March, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2016.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 31st March, 2016.)

AN ACT

to authorise payment and appropriation of certain sums from and out of
the Consolidated Fund of the State of Gujarat for the services of the
financial year ending on the thirty-first day of March, 2017.

It is hereby enacted in the Sixty-seventh Year of the Republic of
India as follows:-

1. This Act may be called the Gujarat Appropriation Act, 2016.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of one lakh fifty-one thousand eight hundred fifty-one crores, ninety-three lakhs twenty-nine thousand rupees towards defraying the several charges which will

Short title.

Withdrawal of ₹
15,18,51,93,29,000/-
from and out of the
Consolidated
Fund of the State
of Gujarat for the
financial year
2016-17.

come in course of payment during the financial year 2016-17 in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE*(See sections 2 and 3)*

| Demand No. Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|---|---------------------|--------------------|---|--------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | | 3 | | |
| 1 | Agriculture and Co-operation Department | Revenue | 186924000 | | 186924000 |
| | | Capital | 4000000 | | 4000000 |
| 2 | Agriculture | Revenue | 28470728000 | | 28470728000 |
| | | Capital | 1315000000 | | 1315000000 |
| 3 | Minor Irrigation, Soil Conservation and Area Development | Revenue | 1037331000 | | 1037331000 |
| | | Capital | 921453000 | | 921453000 |
| 4 | Animal Husbandry | Revenue | 6157953000 | | 6157953000 |
| 5 | Co-operation | Revenue | 7333683000 | | 7333683000 |
| | | Capital | 988601000 | | 988601000 |
| 6 | Fisheries | Revenue | 1729258000 | | 1729258000 |
| | | Capital | 2680000000 | | 2680000000 |
| 7 | Other expenditure pertaining to Agriculture and Co-operation Department. | Capital | 2600000 | | 2600000 |
| 8 | Education Department | Revenue | 126039000 | | 126039000 |
| 9 | Education | Revenue | 204213188000 | 2321000000 | 206534188000 |
| | | Capital | 8921477000 | | 8921477000 |
| 10 | Other expenditure pertaining to Education Department | Revenue | 21056000 | | 21056000 |
| | | Capital | 405150000 | | 405150000 |

| | | | | | |
|----|---|---------|-------------|--------------|--------------|
| 11 | Energy and Petro-chemicals Department | Revenue | 41151000 | | 41151000 |
| 12 | Tax collection charges (Energy and Petro-chemicals Department) | Revenue | 208371000 | | 208371000 |
| 13 | Power Projects | Revenue | 49708233000 | | 49708233000 |
| | | Capital | 22712385000 | | 22712385000 |
| 14 | Other expenditure pertaining to Energy and Petro-chemicals Department | Revenue | 9959000 | | 9959000 |
| | | Capital | 1302000 | | 1302000 |
| 15 | Finance Department | Revenue | 210376000 | | 210376000 |
| 16 | Tax Collection Charges (Finance Department) | Revenue | 2977530000 | | 2977530000 |
| 17 | Treasury and Accounts Administration | Revenue | 1574021000 | | 1574021000 |
| 18 | Pension and other Retirement Benefits | Revenue | 80633042000 | | 80633042000 |
| 19 | Other expenditure pertaining to Finance Department | Revenue | 57685507000 | | 57685507000 |
| | | Capital | 6750000 | 100000 | 6850000 |
| 20 | Repayment of Debt pertaining to Finance Department and its servicing | Revenue | | 166443424000 | 166443424000 |
| | | Capital | | 86217474000 | 86217474000 |
| 21 | Food, Civil Supplies and Consumer Affairs Department. | Revenue | 272986000 | | 272986000 |

| | | | | | |
|----|--|---------|-------------|-----------|-------------|
| 22 | Civil Supplies | Revenue | 6802602000 | | 6802602000 |
| 23 | Food | Revenue | 603083000 | | 603083000 |
| | | Capital | 1356300000 | | 1356300000 |
| 24 | Other expenditure Pertaining to Food, Civil Supplies and Consumer Affairs Department | Capital | 101000 | | 101000 |
| 25 | Forests and Environment Department | Revenue | 186008000 | | 186008000 |
| 26 | Forests | Revenue | 4839839000 | 2250000 | 4842089000 |
| | | Capital | 4170532000 | | 4170532000 |
| 27 | Environment | Revenue | 179000000 | | 179000000 |
| 28 | Other expenditure pertaining to Forest and Environment Department. | Capital | 4440000 | | 4440000 |
| 29 | Governor | Revenue | | 66656000 | 66656000 |
| 30 | Council of Ministers | Revenue | 46450000 | | 46450000 |
| 31 | Elections | Revenue | 999795000 | | 999795000 |
| 32 | Public Service Commission | Revenue | 121420000 | 220372000 | 341792000 |
| 33 | General Administration Department | Revenue | 1011531000 | | 1011531000 |
| 34 | Economic Advice and Statistics | Revenue | 313877000 | | 313877000 |
| 35 | Other expenditure pertaining to General Administration Department | Revenue | 248451000 | 2340000 | 250791000 |
| | | Capital | 10436656000 | | 10436656000 |

| | | | | | |
|----|--|---------|-------------|---------|-------------|
| 36 | State Legislature | Revenue | 306603000 | 3480000 | 310083000 |
| 37 | Loans and Advances to Government Servants in Gujarat Legislature Secretariat | Capital | 3407000 | | 3407000 |
| 38 | Health and Family Welfare Department | Revenue | 93822000 | | 93822000 |
| 39 | Medical and Public Health | Revenue | 45282785000 | | 45282785000 |
| | | Capital | 15198419000 | | 15198419000 |
| 40 | Family Welfare | Revenue | 7399638000 | | 7399638000 |
| | | Capital | 231000000 | | 231000000 |
| 41 | Other expenditure pertaining to Health and Family Welfare Department | Revenue | | 3036000 | 3036000 |
| | | Capital | 3500000 | | 3500000 |
| 42 | Home Department | Revenue | 149911000 | | 149911000 |
| 43 | Police | Revenue | 35994984000 | | 35994984000 |
| 44 | Jails | Revenue | 1149162000 | | 1149162000 |
| 45 | State Excise | Revenue | 176037000 | | 176037000 |
| 46 | Other expenditure pertaining to Home Department. | Revenue | 2028450000 | 3501000 | 2031951000 |
| | | Capital | 6429980000 | | 6429980000 |
| 47 | Industries and Mines Department. | Revenue | 138859000 | | 138859000 |
| 48 | Stationery and Printing | Revenue | 618442000 | | 618442000 |
| | | Capital | 6000000 | | 6000000 |
| 49 | Industries | Revenue | 21318753000 | | 21318753000 |
| | | Capital | 1537741000 | | 1537741000 |

| | | | | | |
|----|---|---------|------------|------------|-------------|
| 50 | Mines and Minerals | Revenue | 2197713000 | | 2197713000 |
| | | Capital | 25500000 | | 25500000 |
| 51 | Tourism | Revenue | 1096168000 | | 1096168000 |
| | | Capital | 4261000000 | | 4261000000 |
| 52 | Other expenditure pertaining to Industries and Mines Department | Revenue | 832050000 | | 832050000 |
| | | Capital | 2002000000 | | 2002000000 |
| 53 | Information and Broadcasting Department | Revenue | 20450000 | | 20450000 |
| 54 | Information and Publicity | Revenue | 1255983000 | | 1255983000 |
| 55 | Other expenditure pertaining to Information and Broadcasting Department | Revenue | 205210000 | | 205210000 |
| | | Capital | 3000000 | | 3000000 |
| 56 | Labour and Employment Department | Revenue | 184417000 | | 184417000 |
| 57 | Labour and Employment | Revenue | 8258723000 | | 8258723000 |
| | | Capital | 1001225000 | | 1001225000 |
| 58 | Other expenditure Pertaining to Labour and Employment Department | Capital | 3200000 | | 3200000 |
| 59 | Legal Department | Revenue | 142477000 | | 142477000 |
| 60 | Administration of Justice | Revenue | 9726713000 | 1482418000 | 11209131000 |
| 61 | Other expenditure pertaining to Legal Department | Revenue | 627097000 | | 627097000 |
| | | Capital | 17700000 | | 17700000 |

| | | | | | |
|----|---|---------|-------------|------------|-------------|
| 62 | Legislative and Parliamentary Affairs Department | Revenue | 78200000 | | 78200000 |
| 63 | Other expenditure pertaining to Legislative and Parliamentary Affairs Department | Capital | 850000 | | 850000 |
| 64 | Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 168460000 | | 168460000 |
| 65 | Narmada Development Scheme | Capital | 39180000000 | | 39180000000 |
| 66 | Irrigation and Soil Conservation | Revenue | 9747418000 | 3500000 | 9750918000 |
| | | Capital | 34736294000 | 5000000000 | 35236294000 |
| 67 | Water Supply | Revenue | 1219200000 | | 1219200000 |
| | | Capital | 19171700000 | | 19171700000 |
| 68 | Other expenditure pertaining to Narmada Water Resources, Water Supply and Kalpsar Department. | Revenue | | 1000000000 | 1000000000 |
| | | Capital | 8500000 | | 8500000 |
| 69 | Panchayats, Rural Housing and Rural Development Department | Revenue | 112510000 | | 112510000 |
| 70 | Community Development | Revenue | 24411361000 | | 24411361000 |
| 71 | Rural Housing and Rural Development | Revenue | 16441291000 | 3010400000 | 19451691000 |
| 72 | Compensation and Assignments | Revenue | 1444189000 | | 1444189000 |

| | | | | | |
|----|--|---------|-------------|--------|-------------|
| 73 | Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 6678420000 | | 6678420000 |
| | | Capital | 30100000 | | 30100000 |
| 74 | Transport | Revenue | 4973699000 | | 4973699000 |
| | | Capital | 5349707000 | | 5349707000 |
| 75 | Other expenditure pertaining to Ports and Transport Department | Revenue | 899300000 | | 899300000 |
| | | Capital | 250002000 | | 250002000 |
| 76 | Revenue Department | Revenue | 307729000 | | 307729000 |
| 77 | Tax collection charges(Revenue Department) | Revenue | 2888304000 | | 2888304000 |
| 78 | District Administration | Revenue | 4180686000 | | 4180686000 |
| 79 | Relief on account of Natural calamities | Revenue | 16093688000 | | 16093688000 |
| | | Capital | 914000000 | | 914000000 |
| 80 | Dang District | Revenue | 489601000 | | 489601000 |
| 81 | Compensation and Assignment | Revenue | 2757004000 | 700000 | 2757704000 |
| | | Capital | 300000 | 200000 | 500000 |
| 82 | Other expenditure pertaining to Revenue Department | Revenue | 19241000 | | 19241000 |
| | | Capital | 2610000 | | 2610000 |
| 83 | Roads and Buildings Department | Revenue | 158763000 | | 158763000 |

| | | | | | |
|----|---|---------|-------------|-----------|-------------|
| 84 | Non-Residential Buildings | Revenue | 6174705000 | 6200000 | 6180905000 |
| | | Capital | 14644645000 | | 14644645000 |
| 85 | Residential Buildings | Revenue | 1721079000 | | 1721079000 |
| | | Capital | 2637945000 | | 2637945000 |
| 86 | Roads and Bridges | Revenue | 33377991000 | 41000000 | 33418991000 |
| | | Capital | 22081697000 | 45000000 | 22126697000 |
| 87 | Gujarat Capital Construction Scheme | Revenue | 156478000 | | 156478000 |
| | | Capital | 1979100000 | 900000 | 1980000000 |
| 88 | Other expenditures pertaining to Roads and Buildings Department | Revenue | 309317000 | 150000000 | 459317000 |
| | | Capital | 56800000 | | 56800000 |
| 89 | Science and Technology Department | Revenue | 2549580000 | | 2549580000 |
| 90 | Other expenditure pertaining to Science and Technology Department | Revenue | 1134675000 | | 1134675000 |
| | | Capital | 52009000 | | 52009000 |
| 91 | Social Justice and Empowerment Department | Revenue | 69526000 | | 69526000 |
| 92 | Social security and welfare | Revenue | 14654688000 | 22300000 | 14676988000 |
| | | Capital | 635680000 | | 635680000 |
| 93 | Welfare of Scheduled Tribes | Revenue | 3194758000 | | 3194758000 |
| | | Capital | 400893000 | | 400893000 |
| 94 | Other expenditure pertaining to Social Justice and Empowerment Department | Capital | 1600000 | | 1600000 |
| 95 | Scheduled Castes Sub-Plan | Revenue | 33253514000 | | 33253514000 |
| | | Capital | 10657930000 | | 10657930000 |

| | | | | | |
|-----|--|---------|-------------|------------|-------------|
| 96 | Tribal Area Sub-Plan | Revenue | 69980170000 | 60000000 | 70040170000 |
| | | Capital | 37280811000 | 30000000 | 37310811000 |
| 97 | Sports, Youth and Cultural Activities Department | Revenue | 65551000 | | 65551000 |
| 98 | Youth Services and Cultural Activities | Revenue | 3827982000 | | 3827982000 |
| | | Capital | 790415000 | | 790415000 |
| 99 | Other expenditure pertaining to Sports, Youth and Cultural Activities Department | Capital | 1106000 | | 1106000 |
| 100 | Urban Development and Urban Housing Department | Revenue | 55900000 | | 55900000 |
| 101 | Urban Housing | Revenue | 5943773000 | 1637975000 | 7581748000 |
| 102 | Urban Development | Revenue | 83389475000 | | 83389475000 |
| | | Capital | 7270100000 | | 7270100000 |
| 103 | Compensation, Assignment and Tax Collection Charges | Revenue | 1582000000 | 300000000 | 1882000000 |
| 104 | Other expenditure Pertaining to Urban Development and Urban Housing Department | Revenue | 3225000 | | 3225000 |
| | | Capital | 1100000 | | 1100000 |
| 105 | Women and Child Development Department | Revenue | 32758000 | | 32758000 |

| | | | | | |
|----------------------|--|----------------|---------------|--------------|---------------|
| 106 | Other expenditure pertaining to Women and Child Development Department | Revenue | 18646452000 | 9000000 | 18655452000 |
| | | Capital | 837900000 | | 837900000 |
| 107 | Climate Change Department | Revenue | 9390000 | | 9390000 |
| 108 | Other expenditure Pertaining to Climate Change Department | Revenue | 956000000 | | 956000000 |
| Total Revenue | | Revenue | 971311890000 | 176789552000 | 1148101442000 |
| Total Capital | | Capital | 283624213000 | 86793674000 | 370417887000 |
| Grand Total | | | 1254936103000 | 263583226000 | 1518519329000 |



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st March, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 OF 2016.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 31st March, 2016.)

AN ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial years ending on the thirty-first day of March, 2004, thirty-first day of March, 2005, thirty-first day of March, 2006 and thirty-first day of March, 2007.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Appropriation (Excess Short title. Expenditure) Act, 2016.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of Schedule I hereto annexed amounting in the aggregate to the sum of four hundred one crores, twenty-five lakhs, sixty-eight thousand rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first

Issue of
₹ 4,01,25,68,000
from and out of the
Consolidated Fund
of the State of
Gujarat for the
financial year
2003-2004.

day of March, 2004, in respect of the services and purposes specified in column 2 of Schedule I.

Issue of
₹ 17,87,26,42,000
from and out of
the Consolidated
Fund of the State
of Gujarat for the
financial year
2004-2005.

3. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of Schedule II hereto annexed amounting in the aggregate to the sum of seventeen hundred eighty seven crores, twenty-six lakhs, forty-two thousand rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 2005, in respect of the services and purposes specified in column 2 of Schedule II.

Issue of
₹ 21,59,83,00,000
from and out of
the Consolidated
Fund of the State
of Gujarat for the
financial year
2005-2006.

4. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of Schedule III hereto annexed amounting in the aggregate to the sum of twenty one hundred fifty nine crores, eighty-three lakhs rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 2006, in respect of the services and purposes specified in column 2 of Schedule III.

Issue of
₹ 5,83,79,23,000
from and out of
the Consolidated
Fund of the
State of
Gujarat for the
financial year
2006-2007.

5. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of Schedule IV hereto annexed amounting in the aggregate to the sum of five hundred eighty three crores, seventy-nine lakhs, twenty-three thousand rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 2007, in respect of the services and purposes specified in column 2 of Schedule IV.

Appropriation.

6. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in Schedule I, Schedule II, Schedule III and Schedule IV in relation to the financial years ending on the thirty-first day of March, 2004, thirty-first day of March, 2005, thirty-first day of March, 2006 and thirty-first day of March, 2007, respectively.

SCHEDULE I

(See sections 2 and 6)

| No. of Excess Demand/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding(₹ in thousand) | | |
|--|---|---------------------|---|--|------------|
| | | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | 4 | | |
| 4 | Animal Husbandry and Dairy Development | Revenue | 62,33 | | 62,33 |
| 8 | Education | Revenue | 45,88,33 | | 45,88,33 |
| 9 | Other Expenditure pertaining to Education Department | Revenue | 14,92 | | 14,92 |
| 12 | Energy Projects | Capital | 14,55,23 | | 14,55,23 |
| 17 | Pensions and Other Retirement Benefits | Revenue | 5,42,22 | | 5,42,22 |
| 19 | Repayment of Debt pertaining to Finance Department and its servicing | Revenue | | 1,72,01,10 | 1,72,01,10 |
| 22 | Food | Revenue | 35,93 | | 35,93 |
| 40 | Other Expenditure pertaining to Health and Family Welfare Department | Revenue | 51 | | 51 |
| 41 | Home Department | Revenue | 13,53 | | 13,53 |
| 42 | Police | Revenue | 9,09,78 | | 9,09,78 |
| 49 | Industries | Capital | 74,62 | | 74,62 |
| 55 | Other Expenditure pertaining to Information and Broadcasting Department | Revenue | 11,61 | | 11,61 |
| 59 | Legal Department | Revenue | 17,97 | | 17,97 |
| 60 | Administration of Justice | Revenue | | 2,06,95 | 2,06,95 |
| 64 | Narmada, Water Resources and Water supply Department | Revenue | 92 | | 92 |
| 66 | Irrigation and Soil Conservation | Capital | 17,79,91 | | 17,79,91 |
| 67 | Water Supply | Capital | 2,37,00 | | 2,37,00 |

| No. of Excess Demand/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding(₹ in thousand) | | |
|--|--|---------------------|---|--|------------|
| | | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | 4 | | |
| 68 | Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department | Revenue | | 72,08 | 72,08 |
| 69 | Panchayats, Rural Housing and Rural Development Department | Revenue | 6,68 | | 6,68 |
| 73 | Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 24,02,75 | | 24,02,75 |
| 78 | District Administration | Revenue | 3,71,96 | | 3,71,96 |
| 80 | Dangs District | Revenue | 52,63 | | 52,63 |
| 84 | Non-Residential Buildings | Revenue | | 6,97 | 6,97 |
| 86 | Roads and Bridges | Revenue | 1,00,54,22 | | 1,00,54,22 |
| 91 | Social Justice and Empowerment Department | Revenue | 4,28 | | 4,28 |
| 105 | Women and Child Development Department | Revenue | 1,25 | | 1,25 |
| | Total: | Revenue | 1,90,91,82 | 1,74,87,10 | 3,65,78,92 |
| | | Capital | 35,46,76 | — | 35,46,76 |
| | Grand Total: | | 2,26,38,58 | 1,74,87,10 | 4,01,25,68 |

SCHEDULE II

(See sections 3 and 6)

| No. of Excess Demand/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding(₹ in thousand) | | |
|--|--|---------------------|---|--|-------------|
| | | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | 4 | | |
| 2 | Agriculture | Revenue | 1,28,12 | | 1,28,12 |
| 5 | Co-operation | Revenue | 29,78 | | 29,78 |
| 8 | Education | Revenue | 84,08,37 | | 84,08,37 |
| 12 | Energy Projects | Revenue | 26,11,34 | 50,77,71 | 76,89,05 |
| | | Capital | | 1,18,47,98 | 1,18,47,98 |
| 17 | Pensions and Other Retirement Benefits | Revenue | 42,62,13 | | 42,62,13 |
| 19 | Repayment of Debt pertaining to Finance Department and its servicing | Capital | | 13,30,14,42 | 13,30,14,42 |
| 22 | Food | Revenue | 35,83 | | 35,83 |
| 36 | Loans and Advances to Government Servants in Gujarat Legislature Secretariat | Capital | 30,91 | | 30,91 |
| 38 | Medical and Public Health | Revenue | 13,35,44 | | 13,35,44 |
| 40 | Other Expenditure pertaining to Health and Family Welfare Department | Revenue | 1,57 | | 1,57 |
| 43 | Jails | Revenue | 84,40 | | 84,40 |
| 55 | Other Expenditure pertaining to Information and Broadcasting Department | Revenue | 13,92 | | 13,92 |

| No. of Excess Demand/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding(₹ in thousand) | | |
|--|--|---------------------|---|--|-------------|
| | | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | 4 | | |
| 61 | Other Expenditure pertaining to Legal Department | Revenue | 7,77 | | 7,77 |
| 63 | Other Expenditure pertaining to Legislative and Parliamentary Affairs Department | Capital | 5,87 | | 5,87 |
| 66 | Irrigation and Soil Conservation | Revenue | | 6,02 | 6,02 |
| 68 | Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department | Revenue | | 1,05 | 1,05 |
| 73 | Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 16,73,14 | | 16,73,14 |
| | | Capital | | 2,37,01 | 2,37,01 |
| 80 | Dangs District | Revenue | 8,95 | | 8,95 |
| 81 | Compensation and Assignments | Revenue | | 15,41 | 15,41 |
| | | Capital | | 2,03 | 2,03 |
| 86 | Roads and Bridges | Revenue | 97,46,65 | | 97,46,65 |
| 88 | Other Expenditure pertaining to Roads and Building Department | Revenue | 1,19,38 | | 1,19,38 |
| | | Capital | | | |
| 91 | Social Justice and Empowerment Department | Revenue | 4,84 | | 4,84 |
| 96 | Tribal Area Sub-Plan | Capital | | 16,32 | 16,32 |
| 100 | Urban Development and Urban Housing Department | Revenue | 4 | | 4 |
| 104 | Other Expenditure pertaining to Urban Development and Urban Housing Department | Revenue | 2 | | 2 |
| | Total: | Revenue | 2,84,71,69 | 51,00,19 | 3,35,71,88 |
| | | Capital | 36,78 | 14,51,17,76 | 14,51,54,54 |
| | Grand Total: | | 2,85,08,47 | 15,02,17,95 | 17,87,26,42 |

SCHEDULE III

(See sections 4 and 6)

| No. of Excess Demand/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding(₹ in thousand) | | |
|---|--|---------------------|---|--|-------------|
| | | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | 4 | | |
| 3 | Minor Irrigation, Soil Conservation and Area Development | Revenue | 41,05 | | 41,05 |
| 7 | Education Department | Revenue | 6,00 | | 6,00 |
| 8 | Education | Revenue | 1,94,69,62 | 7,12 | 1,94,76,74 |
| 11 | Tax Collection Charges (Energy and Petro-Chemicals Department) | Revenue | 12,02 | | 12,02 |
| 12 | Energy Projects | Capital | 16,23,27,72 | | 16,23,27,72 |
| 17 | Pensions and Other Retirement Benefits | Revenue | 1,04,40,36 | | 1,04,40,36 |
| 20 | Food, Civil Supplies and Consumer Affairs Department | Revenue | 39,95 | | 39,95 |
| 22 | Food | Revenue | 94,33 | | 94,33 |
| 25 | Forests | Revenue | 1,86,43 | | 1,86,43 |
| 37 | Health and Family Welfare Department | Revenue | 64,42 | | 64,42 |
| 38 | Medical and Public Health | Revenue | 16,37,00 | | 16,37,00 |
| 40 | Other Expenditure pertaining to Health and Family Welfare Department | Revenue | 4 | | 4 |
| 42 | Police | Revenue | 33,58,72 | | 33,58,72 |
| 43 | Jails | Revenue | 4,33,63 | | 4,33,63 |
| 45 | State Excise | Revenue | 15,62 | | 15,62 |
| 46 | Other Expenditure pertaining to Home Department | Revenue | 6,33 | | 6,33 |

| No. of Excess Demand/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding(₹ in thousand) | | |
|---|--|---------------------|---|--|----------|
| | | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | 4 | | |
| 52 | Other Expenditure pertaining to Industries and Mines Department | Revenue | 9,35,00 | 2,89,67 | 12,24,67 |
| 55 | Other Expenditure pertaining to Information and Broadcasting Department | Revenue | 10,93 | | 10,93 |
| 64 | Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 1,11,98 | | 1,11,98 |
| 66 | Irrigation and Soil Conservation | Revenue | 12,72,26 | 51 | 12,72,77 |
| 69 | Panchayats, Rural Housing and Rural Development Department | Revenue | 15,51 | | 15,51 |
| 73 | Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 31,26,32 | | 31,26,32 |
| 75 | Other Expenditure pertaining to Ports and Fisheries Department | Revenue | 73 | | 73 |
| 77 | Tax Collection Charges (Revenue Department) | Revenue | 39,14 | | 39,14 |
| 78 | District Administration | Revenue | 12,43 | | 12,43 |
| 79 | Relief on account of Natural Calamities | Revenue | 3,18,02 | | 3,18,02 |
| 84 | Non-Residential Buildings | Revenue | | 8 | 8 |
| 86 | Roads and Bridges | Revenue | 95,10,55 | | 95,10,55 |
| | | Capital | 15,78,75 | 1 | 15,78,76 |
| 88 | Other Expenditure pertaining to Roads and Buildings Department | Revenue | 55,91 | 23,38 | 79,29 |

| No. of Excess Demand/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding(₹ in thousand) | | |
|---|--|---------------------|---|--|-------------|
| | | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | 4 | | |
| 90 | Other Expenditure pertaining to Science and Technology Department | Revenue | 1,96,80 | | 1,96,80 |
| 91 | Social Justice and Empowerment Department | Revenue | 5,82 | | 5,82 |
| 92 | Social Security and Welfare | Revenue | 59,75 | | 59,75 |
| 96 | Tribal Area Sub-Plan | Revenue | 2,34,37 | | 2,34,37 |
| 100 | Urban Development and Urban Housing Department | Revenue | 6 | | 6 |
| 102 | Urban Development | Revenue | 15,14 | | 15,14 |
| | | Capital | 13,45 | | 13,45 |
| 103 | Compensations, Assignments and Tax Collection Charges | Revenue | 16,05 | | 16,05 |
| 104 | Other Expenditure pertaining to Urban Development and Urban Housing Department | Revenue | 2 | | 2 |
| | Total: | Revenue | 5,17,42,31 | 3,20,76 | 5,20,63,07 |
| | | Capital | 16,39,19,92 | 1 | 16,39,19,93 |
| | Grand Total: | | 21,56,62,23 | 3,20,77 | 21,59,83,00 |

SCHEDULE IV

(See sections 5 and 6)

| No. of Excess Demand/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding(₹ in thousand) | | |
|--|--|---------------------|---|--|------------|
| | | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | 4 | | |
| 3 | Minor Irrigation, Soil Conservation and Area Development | Revenue | 31,68 | | 31,68 |
| 5 | Co-operation | Revenue | 3,20,81 | | 3,20,81 |
| 8 | Education Department | Revenue | 15,05 | | 15,05 |
| 9 | Education | Revenue | 3,34,46,39 | | 3,34,46,39 |
| 12 | Tax Collection Charges(Energy and Petro-Chemicals Department) | Revenue | 8,79 | | 8,79 |
| 15 | Finance Department | Revenue | 91 | | 91 |
| 18 | Pensions and Other Retirement Benefits | Revenue | 80,12,86 | 1,33 | 80,14,19 |
| 21 | Food, Civil Supplies and Consumer Affairs Department | Revenue | 26,62 | | 26,62 |
| 23 | Food | Revenue | 40,05 | | 40,05 |
| 25 | Forests and Environment Department | Revenue | 7,53 | | 7,53 |
| 26 | Forests | Revenue | 1,48,79 | | 1,48,79 |
| | | Capital | 83,10 | | 83,10 |
| 32 | Public Service Commission | Revenue | | 17,66 | 17,66 |
| 37 | Loans and Advances to Government Servants in Gujarat Legislature Secretariat | Capital | 1,71 | | 1,71 |
| 38 | Health and Family Welfare Department | Revenue | 27,93 | | 27,93 |
| 39 | Medical and Public Health | Revenue | 25,76,98 | | 25,76,98 |

| No. of Excess Demand/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding(₹ in thousand) | | |
|--|--|---------------------|---|--|----------|
| | | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | 4 | | |
| 41 | Other Expenditure pertaining to Health and Family Welfare Department | Revenue | 3,28 | | 3,28 |
| | | Capital | 63,55 | | 63,55 |
| 43 | Police | Revenue | 32,98,77 | | 32,98,77 |
| 44 | Jails | Revenue | 2,04,17 | | 2,04,17 |
| 55 | Other Expenditure pertaining to Information and Broadcasting Department | Revenue | 11,32 | | 11,32 |
| 57 | Labour and Employment | Revenue | 79,32 | | 79,32 |
| 61 | Other Expenditure pertaining to Legal Department | Revenue | 38,79 | | 38,79 |
| 64 | Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 49,71 | | 49,71 |
| 66 | Irrigation and Soil Conservation | Revenue | 10,27,26 | | 10,27,26 |
| 68 | Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | | 18,47 | 18,47 |
| 73 | Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 33,05,97 | | 33,05,97 |
| 74 | Transport | Revenue | 1,90 | | 1,90 |
| | | Capital | 18,00,00 | | 18,00,00 |
| 77 | Tax Collection Charges(Revenue Department) | Revenue | 3,77,03 | | 3,77,03 |
| 78 | District Administration | Revenue | 9,98,29 | | 9,98,29 |
| 80 | Dangs District | Revenue | 45,20 | | 45,20 |
| 81 | Compensations, Assignments | Revenue | 9,08 | | 9,08 |

| No. of Excess Demand/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding(₹ in thousand) | | |
|--|--|---------------------|---|--|------------|
| | | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | Total |
| 1 | 2 | 3 | 4 | | |
| 84 | Non-Residential Buildings | Revenue | 1,86,51 | | 1,86,51 |
| 86 | Roads and Bridges | Revenue | 15,88,19 | | 15,88,19 |
| 87 | Gujarat Capital Construction Scheme | Capital | 3,36,52 | | 3,36,52 |
| 88 | Other Expenditure pertaining to Roads and Buildings Department | Revenue | 1,55,22 | | 1,55,22 |
| 91 | Social Justice and Empowerment Department | Revenue | 12,42 | | 12,42 |
| 104 | Other Expenditure pertaining to Urban Development and Urban Housing Department | Revenue | 7 | | 7 |
| | Total: | Revenue | 5,60,56,89 | 37,46 | 5,60,94,35 |
| | | Capital | 22,84,88 | — | 22,84,88 |
| | Grand Total: | | 5,83,41,77 | 37,46 | 5,83,79,23 |

Extra No. 9

વાર્ષિક લવાજમનો દર રૂ. ૩૫૦૦/-



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 1st May, 2016.

GUJARAT ORDINANCE NO. 1 OF 2016.

AN ORDINANCE

*to provide for the reservation of seats in educational institutions in
the State and of appointments and posts in the services under
the State in favour of the Economically Weaker Sections of
unreserved category and for the matters connected therewith or incidental
thereto.*

WHEREAS the State Government is following and implementing
the policy of reservation for Scheduled Castes, Scheduled Tribes and
Socially and Educationally Backward Classes in admissions to the

educational institutions in the State and in the appointments in the services under the State;

AND WHEREAS, because of the effective implementation of the reservation policy for such classes, a reasonable number of persons belonging to the said classes are being benefited both socially and economically to some extent and the existing policy of reservation for these classes in the State shall continue;

AND WHEREAS, the State has received several representations from Economically Weaker Sections of unreserved categories of the society, expressing their inability to compete with the higher strata who are economically sound and as a result of which, such Economically Weaker Sections feel disadvantaged in terms of their representation in the matter of admissions in educational institutions and in the services and posts under the State;

AND WHEREAS, taking into consideration the aforesaid representations, the State Government, being enjoined to endeavour to provide reasonable opportunities to all sections of the society, is of the considered view to strive for inclusive development in the State, so that every section of the society shares the fruits of the policies of the Government;

AND WHEREAS, the State Government has, after careful consideration decided that Economically Weaker Sections of the society belonging to unreserved categories should be provided with reservation;

AND WHEREAS, the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS, the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to make a law to provide for the reservation of seats in educational institutions in the State and of appointments and posts in the services under the State in favour of the Economically weaker Sections of unreserved category;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. Short title, extent and commencement.- (1) This Ordinance may be called the Gujarat Unreserved Economically Weaker Sections (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Ordinance, 2016.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. Definitions.- In this Ordinance, unless the context otherwise requires,-

(a) "Economically Weaker Sections" means all such sections of the society consisting of persons belonging to unreserved category who meet with the criteria provided under section 6;

(b) "local authority" means,-

(i) "Municipal Corporation" constituted under the Gujarat Provincial Municipal Corporations Act, 1949;

(ii) "Municipality" means Municipality constituted under the Gujarat Municipalities Act, 1963;

(iii) "Panchayat" means panchayat constituted under the Gujarat Panchayats Act, 1993;

(c) "prescribed" means prescribed by rules made under this Ordinance;

(d) "services under the State" means the public services and posts in connection with the affairs of the State and includes the services and posts in,-

(i) any local authority;

(ii) any corporation or company owned and controlled, wholly or substantially, by the State Government;

Bom. LIX of
1949.

Guj. 34 of 1964.

Guj. 18 of 1993.

- (iii) any other authority or body constituted by or under an Act of the State Legislature and funded, wholly or substantially, by the State; and
- (iv) respect of which reservation is applicable on the date of commencement of this Ordinance and which are not covered under sub-clauses (i) to (iii);
- (e) "unreserved category" shall include all persons not falling within the reserved categories of Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes.

3. *Reservation of seats in educational institutions in the State.*-The reservation in respect of the annual permitted strength for admission into such educational institutions and courses in the State, as may be prescribed, for Economically Weaker Sections, shall be ten per cent.

4. *Reservation of appointments and posts in the services under the State.*- (1) The reservation of appointments and posts in the services under the State for the Economically Weaker Sections shall be ten per cent.

(2) Notwithstanding anything contained in sub-section (1), such reservation shall not apply in the matters of promotion.

5. *No reservation in certain cases.*- Notwithstanding anything contained in section 4, there shall be no reservation in respect of the post, which is single (isolated) in any cadre or grade.

6. *Criteria for reservation.*- For the purposes of this Ordinance, reservation under sections 3 and 4 for the Economically Weaker Sections shall be as per the criteria applicable to the Socially and Educationally Backward Classes in the State.

7. **Power to make rules.-** (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out all or any of the purposes of this Ordinance.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to the recession by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any recession or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

8. **Power to remove difficulties.-** If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Ordinance as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Ordinance.

S T A T E M E N T

The State Government is following and implementing the policy of reservation for Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes in admissions to the educational institutions in the State and in the appointments in the services and posts under the State and because of the effective implementation of the reservation policy for such classes, a reasonable number of persons belonging to the said classes are being benefited both socially and educationally to some extent and the existing policy of reservation for these classes in the State shall continue.

At the same time, it is also a fact that Economically Weaker Sections of the unreserved categories of the society have expressed their inability to compete with the higher strata who are economically sound and as a result of which, such Economically Weaker Sections feel disadvantaged in terms of their representation in the matter of admissions in educational institutions and in the services and posts under the State. The State Government is aware of this situation and considers its prime duty to strive for inclusive development and address the reasonable requirement of such Economically Weaker Sections of unreserved categories of the society, so that they may also share the fruits of the policies of the Government.

It is, therefore, considered necessary to provide for ten per cent. reservation on the basis of economic status to Economically weaker Sections of the society other than the Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes for the admissions in the educational institutions and for appointments in the services and posts under the State. Such reservation shall be available to the persons of the Economically Weaker Sections of the society as per the criteria as are applicable to the persons belonging to the Socially and Educationally Backward Classes in the State.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to achieve the aforesaid object.

O. P. KOHLI,

Dated the 1st May, 2016.

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

SANJAY PRASAD,

Principal Secretary to Government.

Government Central Press, Gandhinagar.



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th May, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 2016.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 6th May, 2016.)

AN ACT

further to amend the Gujarat Private Universities Act, 2009.

WHEREAS, the Nootan Sarva Vidyalaya Kelavani Mandal, Visnagar, District: Mehsana, Marwadi Education Foundation, Rajkot, Plastindia Foundation, Mumbai, Laxman Gyanpith, Godhavi, Taluka: Sanand, District: Ahmedabad have applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish Private Universities in the State;

Guj. 8 of 2009.

AND WHEREAS, the said applications have been scrutinised by the Scrutiny Committee and on report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of the Private University;

AND WHEREAS, the State Government is satisfied that the sponsoring bodies have complied with the conditions of Letter of Intent as provided in section 10 of the said Act and have also established the Endowment Fund as per the Letter of Intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institutions specified in column 2 of the Schedule as the Private University, by the name and location of the aforesaid sponsoring bodies as specified in column 4 of the said Schedule.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2016.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj. 8 of 2009.

2. In the Gujarat Private Universities Act, 2009, in the Schedule, after the entry at serial No. 17, the following entries shall be inserted, namely:-

Guj. 8 of 2009.

| Sr. No. | Name and Address of the Private University | Details of Registration and Registration Number | Sponsoring Body |
|---------|--|--|--|
| 1. | 2. | 3. | 4. |
| "18. | Sankalchand Patel University, Visnagar. | Registration under the Gujarat Public Trusts Act, 1950. Registration No. E/251, Mehsana. Date: 19/12/1952. | Nootan Sarva Vidyalaya Kelavani Mandal, S.K. Patel Campus, Visnagar, District: Mehasana, Gujarat. |
| 19. | Marwadi University, Rajkot. | Registration under the Gujarat Public Trusts Act, 1950. Registration No. E/8458, Rajkot. Date: 24/10/2008. | Marwadi Education Foundation, Rajkot, Gujarat. |
| 20. | Plastindia International University, Vapi. | Registration under the Bombay Public Trusts Act, 1950. Registration No. F.12156, Mumbai. Date: 26/11/1987. | Plastindia Foundation, 401, Landmark, "B" Suren Road, Andheri (E), Mumbai, Maharashtra, India. |
| 21. | Anant National University, Ahmedabad. | Registration under the Gujarat Public Trusts Act, 1950. Registration No. E/8107, Ahmedabad, Gujarat. Date: 10/01/1991 | Laxman Gyanpith, Sanskardham Campus, Nr. Manipur Bus Stop, Godhavi, Taluka: Sanand, District: Ahmedabad, Gujarat." |



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th May, 2016 is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 2016.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 6th May, 2016.)

AN ACT

further to amend the Ganpat University Act, 2005.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Ganpat University (Amendment) Act, 2016. **Short title and commencement**

(2) It shall come into force at once.

Guj. 19 of 2005. 2. In the Ganpat University Act, 2005 (hereinafter referred to as "the principal Act"), in section 2,- **Amendment of section 2 of Guj. 19 of 2005.**

(1) for clause (d), the following clause shall be substituted, namely:-

"(d) "Director General" means the Director General of the University appointed under section 18;"

(1) after clause (l), the following clause shall be inserted, namely:-

“(l-a) “Regulatory Body” shall have the meaning as defined by clause (p) of section 2 of the Gujarat Private Universities Act, 2009;” Guj. 8 of 2009.

Amendment of
section 3 of
Guj. 19 of 2005.

3. In the principal Act, in section 3, in sub-section (2), for the words “the Director”, the words “the Director General” shall be substituted.

Amendment of
section 4 of
Guj. 19 of 2005.

4. In the principal Act, in section 4, -

(1) for the words “and humanistic for the advancement of mankind”, the words “humanistic, law, fashion designing, architecture, nursing, sports, dairy, animal husbandry, agriculture, forestry, fisheries and any other educational disciplines for the advancement of mankind” shall be substituted;

(2) for clauses (ii), (iii), and (iv), the following clauses shall be substituted, namely :-

“(ii) to create centers of excellence for providing knowledge, education, training and research facilities of high order in the field of science, technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, management, humanistic, law, fashion designing, architecture, nursing, sports, agriculture, forestry, fisheries and other related professional education as per its current status and such other matters as may develop in future, including continuing education and distance learning;

(iii) to develop patterns of teaching for a certificate or diploma courses, undergraduate and post-graduate courses and at doctoral level and to maintain a high standard of education, its applications; to create capabilities for upgrading science and technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, management, humanistic, law, fashion designing, architecture, nursing, sports, agriculture, forestry, fisheries courses;

(iv) to develop training facilities and to make arrangements for training in higher education, professional education and allied fields, to provide for inter-relationship for national and international participation, in the field of science and technology, dental, medical, physiotherapy paramedical, pharmacy, commerce, management, law, fashion designing, architecture, nursing, sports, agriculture, forestry, fisheries and its allied fields.”;

(3) after clause (vi), the following clause shall be added, namely:-

“(vii) to set up off-campus centres, study centres and examination centres within the State subject to the permission of the regulatory bodies under any law made by the Parliament and any regulations, rules etc., made by the regulating bodies.”.

5 In the principal Act, in section 6, -

(1) for clause (ii), the following clause shall be substituted, namely :-

“(ii) to provide for instruction, training, research advancement and dissemination in such branches of knowledge or learning pertaining to science, technology, dental, medical, physiotherapy, pharmacy, commerce, management, humanistic, law, fashion designing, architecture, nursing, sports, agriculture, forestry, fisheries and allied areas;”;

(2) for clause (ix), the following clause shall be substituted, namely :-

“(ix) to sponsor and undertake research in the different areas of science, technology, dental, medical, physiotherapy, pharmacy, commerce, management, humanistic, law, fashion designing, architecture, nursing, sports, agriculture, forestry and fisheries;”;

(3) for clause (xii), the following clause shall be substituted, namely :-

“(xii) to develop and maintain relationships with teachers, researchers and domain experts in science, technology, dental, medical, physiotherapy, pharmacy, commerce, management, humanistic, law, fashion designing, architecture, nursing, sports, agriculture, forestry, fisheries and allied areas in any part of the world for achieving the objects of the University;”.

6. In the principal Act, in section 9, in clause (b), for the words “The Director”, the words “The Director General” shall be substituted.

Amendment of
section 9 of Guj.
19 of 2005.

7. In the principal Act, in section 10, in sub-section (1),-

(1) in clauses (iii), (iv) and (ix), for the word “Director”, the words “Director General” shall be substituted;

Amendment of
section 10 of Guj.
19 of 2005.

(2) in clauses (v), (vi), (vii) and (viii), the words “or his nominee” shall be added at the end.

8. In the principal Act, in section 12, in sub-section (2), in clause (ix), for the word “Director”, the words “Director General” shall be substituted.

Amendment of
section 12 of Guj.
19 of 2005.

9. In the principal Act, in section 14, in sub-section (1), -

(1) in clauses (i), (iii) and (v), for the word “Director”, the words “Director General” shall be substituted;

Amendment of
section 14 of Guj.
19 of 2005.

(2) for clause (iv), the following clause shall be substituted, namely :-

“(iv) Deans of the University;”.

Amendment of
section 16 of Guj.
19 of 2005.

10. In the principal Act, in section 16, in sub-section (1), in clauses (i) and (iii), for the word "Director", the words "Director General" shall be substituted.

Amendment of
section 18 of Guj.
19 of 2005.

11. In the principal Act, in section 18, -

- (1) for the word "Director", wherever it occurs, the words "Director General" shall be substituted;
- (2) in the marginal note, for the word "Director", the words "Director General" shall be substituted.

Amendment of
section 19 of Guj.
19 of 2005.

12. In the principal Act, in section 19, -

- (1) for the word "Director", wherever it occurs, the words "Director General" shall be substituted;
- (2) in the marginal note, for the word "Director", the words "Director General" shall be substituted.

Amendment of
section 20 of Guj.
19 of 2005.

13. In the principal Act, in section 20, in sub-section (2), in clauses (iii), (iv) and (vii), for the word "Director", the words "Director General" shall be substituted.

Amendment of
section 21 of Guj.
19 of 2005.

14. In the principal Act, in section 21, for the word "Director", wherever it occurs, the words "Director General" shall be substituted.

Amendment of
section 34 of Guj.
19 of 2005.

15. In the principal Act, in section 34, in sub-section (2), in clauses (xvii) and (xix), for the word "Director", the words "Director General" shall be substituted.

Amendment of
section 35 of Guj.
19 of 2005.

16. In the principal Act, in section 35, for the word "Director", the words "Director General" shall be substituted.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th May, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 11 OF 2016.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 11th May, 2016.)

AN ACT

further to amend the Gujarat Special Investment Region Act, 2009.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Special Investment Region (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come in to force at once.

Amendment
of section 10
of Guj. 2 of
2009.

2. In the Gujarat Special Investment Region Act, 2009, in section 10, after clause (iv), the following clauses shall be inserted, namely:-

Guj. 2 of 2009.

“(iv-a) such persons not exceeding four in number who are members of the local authorities functioning in the Special Investment Region, as may be nominated by the State Government;

(iv-b) the Presidents of the District Panchayats functioning in the Special Investment Region;”.

Government Central Press, Gandhinagar.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

HEALTH AND FAMILY WELFARE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 10th June, 2016.

GUJARAT ORDINANCE NO. 2 OF 2016.

AN ORDINANCE

*further to amend the Gujarat Professional Medical Educational
Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act,
2007.*

WHEREAS, the Legislative Assembly of the State of Gujarat is
not in session;

AND WHEREAS, the Governor of Gujarat is satisfied that
circumstances exist which render it necessary for him to take immediate
action to amend the Gujarat Professional Medical Educational Colleges
or Institutions (Regulation of Admission and Fixation of Fees) Act,
2007;

Guj. 3 of 2008.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. **Short title and commencement.-** (1) This Ordinance may be called the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Ordinance, 2016.

(2) It shall come into force at once.

2. **Guj. 3 of 2008 to be temporarily amended.-** During the period of operation of this Ordinance, the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 and 4.

Guj. 3 of 2008.

3. **Amendment of section 2 of Guj. 3 of 2008.-** In the principal Act, in section 2,-

(i) in clause (h), the words "including fifteen per cent. Non-Resident Indian seats" shall be deleted;

(ii) clause (i) shall be deleted.

4. **Amendment of section 6 of Guj. 3 of 2008.-** In the principal Act, in section 6, in clause (ii), second proviso thereto shall be deleted.

STATEMENT

The Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 provides for seventy-five per cent. Government seats and twenty-five per cent. Management seats which include fifteen per cent. Non-Resident Indian (NRI) seats for the purpose of admission into the Professional Medical Educational Colleges or Institutions.

It has been experienced for quite some time that in so far as the NRI seats are concerned, the benefit of the said seats is not fully taken by the NRIs and that most of the seats are filled in by those who are sponsored by such NRIs. As such it does appear that the purpose for which the NRI seats are earmarked is not fully served. Again, it has also been experienced that those students who complete their course on the NRI seats do not stay back to serve in the rural areas of the State where there is an acute shortage of medical practitioners. As such, in order that more seats become available to the local students and the rural areas of the State get the services of more medical practitioners, it is considered necessary to do away with the NRI seats in the Professional Medical Educational Colleges or Institutions. The relevant provisions as regards the NRI seats are, therefore, deleted to achieve the purpose.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

O.P.KOHLI,

Dated the 8th June, 2016.

Governor of Gujarat.

By order and in the name of the Governor Gujarat,

J. P. GUPTA,

Principal Secretary to Government.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature, having been assented to by the President on the 8th August, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 2016.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 12th August, 2016.)

AN ACT

further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in its application to the State of Gujarat.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

- (1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Gujarat Amendment) Act, 2016.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and
commencement.

Amendment
of section 2
of 30 of
2013.

2. In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the principal Act"), in section 2, in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:-

"Provided also that the acquisition of land for the projects listed in section 10A and the purposes specified therein shall be exempted from the provisions of the first proviso to this sub-section."

Insertion of
new section 10A
in 30 of 2013.

3. In the principal Act, after section 10, the following section shall be inserted, namely:-

Power of
State
Government
to exempt
certain
projects.

"10A. The State Government may, in the public interest, by notification in the *Official Gazette*, exempt any of the following projects from the application of the provisions of Chapter II and Chapter III of this Act, namely:-

- (a) such projects vital to national security or defence of India and every part thereof, including preparation for defence or defence production;
- (b) rural infrastructure including electrification;
- (c) affordable housing and housing for the poor people;
- (d) industrial corridors set up by the State Government and its undertakings (in which case the land shall be acquired up to one kilometer on both sides of designated railway line or roads for such industrial corridor); and
- (e) infrastructure projects including projects under public-private partnership where the ownership of land continues to vest with the Government:

Provided that the State Government shall, before the issue of notification, ensure the extent of land for the proposed acquisition keeping in view the bare minimum land required for such project."

4. In the principal Act, after section 23, the following section shall be inserted, namely:-

Insertion of new section 23A in 30 of 2013.

“23A. (1) Notwithstanding anything contained in section 23, if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the State Government, he may, without making further enquiry, make an award according to the terms of such agreement.

Award of Collector without enquiry in case of agreement of interested persons.

(2) The determination of compensation for any land under sub-section (1) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

16 of 1908.

(3) Notwithstanding anything contained in the Registration Act, 1908, no agreement made under sub-section (1) shall be liable to registration under that Act.”.

5. In the principal Act, in section 24, in sub-section (2), after the existing proviso, the following proviso shall be inserted, namely:-

Amendment of section 24 of 30 of 2013.

“Provided further that in computing the period referred to in this sub-section, any period or periods during which the proceedings for acquisition of the land were held up on account of any stay or injunction issued by any court or the period specified in the award of a Tribunal for taking possession or such period where possession has been taken but the compensation is lying deposited in a court or in any designated account maintained for this purpose, shall be excluded.”.

6. In the principal Act, after section 31, the following section shall be inserted, namely:-

Insertion of new section 31A in 30 of 2013.

“31A. Notwithstanding anything contained in this Act, it shall be competent for the State Government to pay, whenever the land is

Payment of lump-sum amount by State Government for its linear nature projects.

to be acquired for its own use amounting to less than one hundred acres or whenever the land is to be acquired in case of projects which are linear in nature as referred to in proviso to sub-section (4) of section 10, as Rehabilitation and Resettlement cost, such *lump sum* amount equal to fifty per cent. of the amount of compensation as determined under section 27 to the affected families.”.

**Amendment of
section 40 of 30
of 2013.**

7. In the principal Act, in section 40, in sub-section (2), after the words “approval of Parliament”, the words “or to comply with the directions given by the Central Government to the State Government” shall be added.

**Amendment of
section 46 of 30
of 2013.**

8. In the principal Act, in section 46, in sub-section (6), in the *Explanation*, in clause (b), sub-clauses (i) and (ii) shall be deleted.

**Substitution of
section 87 of 30
of 2013.**

9. In the principal Act, for section 87, the following section shall be substituted, namely:-

**Offences by
Government
Officials.**

“87. Where any offence under this Act has been committed by any person who is or was employed in the Central Government or the State Government, as the case may be, at the time of commission of such alleged offence, the court shall take cognizance of such offence provided the procedure laid down in section 197 of the Code of Criminal Procedure, 1973 is 2 of 1974. followed.”.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 25th August, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 OF 2016.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 26th August, 2016.)

AN ACT

further to amend the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Act, 2016.

(2) This section and sections 3 and 4 shall come into force at once and section 2 shall be deemed to have come into force on the 10th June, 2016.

Amendment of section 2 of Guj. 3 of 2008.

2. In the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (hereinafter referred to as "the principal Act"), in section 2, in clause (i), the words "or the dependents for the education purpose" shall be deleted.

Amendment of section 10 of Guj. 3 of 2008.

3. In the principal Act, in section 10, to sub-section (3), the following proviso shall be inserted, namely:-
"Provided that the Fee Regulatory Committee may determine different fee for three consecutive academic years at a time and may also determine different fee for each of the years of the duration of the professional course to which a student is admitted."

Repeal and Savings.

4. (1) The Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Ordinance, 2016 is hereby repealed. **Guj. Ord. 2 of 2016.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act. **Guj. 3 of 2008.**

Extra No. 16

વાર્ષિક લવાજમનો દર રૂ. ૩૫૦૦/-



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd September, 2016 is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 14 OF 2016.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 3rd September, 2016.)

AN ACT

further to amend the Gujarat Court-fees Act, 2004.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Court-fees (Amendment) Act, 2016.

(2) It shall come into force at once.

Guj. 4 of 2004. 2. In the Gujarat Court-fees Act, 2004, section 32 shall be deleted.

Short title and
commencement.

Deletion of
section 32
of Guj. 4 of
2004.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 7th September, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 2016.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 7th September, 2016.)

AN ACT

further to amend the Gujarat Provision for Disqualification of members
of Local Authorities for Defection Act, 1986.

It is hereby enacted in the Sixty-seventh Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Provision for Disqualification of Members of Local Authorities for Defection (Amendment) Act, 2016. Short title and
commencement.

(2) It shall come into force at once.

Amendment
of section 6
of Guj. 23 of
1986.

2. In the Gujarat Provision for Disqualification of Members of Local Authorities for Defection Act, 1986 (hereinafter referred to as "the principal Act"), in section 6, after the words "in this behalf", the words "or to such retired officer who, at the time of his retirement was holding the post not below the rank of a Secretary to the Government as may be appointed by the State Government in this behalf" shall be inserted.

Guj. 23 of 1986.

Amendment
of section 7
of Guj. 23 of
1986.

3. In the principal Act, in section 7, -
- (i) after the words "in this behalf", the words "or a retired officer who, at the time of his retirement was holding the post not below the rank of a Secretary to the Government" shall be inserted;
 - (ii) for the words "Chief Secretary or the designated officer", the words "Chief Secretary, the designated officer or the retired officer" shall be substituted.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 5th September, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2016.

(First published, after having received the assent of the President, in the "Gujarat Government Gazette", on the 16th September, 2016).

AN ACT

further to amend the Registration Act, 1908 in its application to the State of Gujarat.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Registration (Gujarat Amendment) Act, 2016. Short title and commencement.
- (2) It shall come into force at once.
- XVI of 1908. 2. In the Registration Act, 1908, in its application to the State of Gujarat, in section 17, in sub-section (1), after clause (g), the following clauses shall be added, namely:- Amendment of section 17 of XVI of 1908.
 - “(h) any instrument authorising the promoter or the developer, by whatever name called, for construction of or development of, or transfer or assignment of, any immovable property;
 - (i) agreement relating to the constitution of partnership where any partner or partners bring his or their share by way of immovable property;
 - (j) any instrument by which any immovable property is taken as his share on dissolution of the partnership by any of the partners other than a partner who brought that property as his share to the partnership.”.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachiyalaya, Gandhinagar, Dated the 4th October, 2016.

GUJARAT ORDINANCE NO. 3 OF 2016.

AN ORDINANCE

*further to amend the Gujarat Town Planning and Urban Development
Act, 1976.*

WHEREAS the Legislative Assembly of the State of Gujarat is not in
session;

President's
Act No.27 of
1976.

AND WHEREAS the Governor of Gujarat is satisfied that
circumstances exist which render it necessary for him to take immediate
action to amend the Gujarat Town Planning and Urban Development Act,
1976;

NOW, THEREFORE, in exercise of the powers conferred on him by
clause (1) of article 213 of the Constitution of India, the Governor of Gujarat
is hereby pleased to make and promulgate the following Ordinance, namely :-

1. *Short title and commencement.*- (1) This Ordinance may be called the Gujarat Town Planning and Urban Development (Amendment) Ordinance, 2016.

(2) It shall come into force at once.

President's Act
No.27 of 1976.

2. *President's Act No. 27 of 1976 to be temporarily amended.*-

During the period of operation of this Ordinance, the Gujarat Town Planning and Urban Development Act, 1976 shall have effect subject to the amendment specified in section 3.

President's
Act No. 27
of 1976.

3. *Amendment of section 51 of President's Act No. 27 of 1976.*-

In the Gujarat Town Planning and Urban Development Act, 1976, in section 51,-

(1) in the first proviso, the words "but not exceeding six months" shall be deleted;

(2) the second proviso shall be deleted.

STATEMENT

Existing provisions of section 51 of the Gujarat Town Planning and Urban Development Act, 1976 *inter alia* provide that the town planning officer within a period of twelve months of his appointment shall after following the prescribed procedure sub- divide the town planning scheme into a preliminary and final scheme. The State Government is empowered to extend the said time limit for the period not exceeding by six months. However, it has been experienced that the town planning officer, due to various reasons is not able to sub-divide the town planning scheme into a preliminary and final scheme within a period of maximum eighteen months, the period which is available under the provisions of section 51 of the said Act and therefore, it becomes difficult to adhere to the prescribed time limit for the purpose, which sometimes may result into the breach of the statutory provisions in this regard. It is therefore considered necessary to do away with the provisions which empower the State Government to extend the period of twelve months by a period not exceeding six months. Therefore, to achieve the purpose, necessary amendments are suitably carried out in the said section 51 of the said Act.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

O. P. Kohli,

Dated the 3rd October, 2016.

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

Punamchand Parmar,

Additional Chief Secretary to Government.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 21st November, 2016.

GUJARAT ORDINANCE NO. 4 OF 2016.

AN ORDINANCE

further to amend the Gujarat Panchayats Act, 1993.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action

Guj. 18 of 1993. to amend the Gujarat Panchayats Act, 1993;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. *Short title and commencement.*- (1) This Ordinance may be called the Gujarat Panchayats (Amendment) Ordinance, 2016.

(2) It shall come into force at once.

2. *Guj. 18 of 1993 to be temporarily amended.*-During the period of operation of this Ordinance, the Gujarat Panchayats Act, 1993 (hereinafter referred to as "the Principal Act") shall have effect subject to the amendments specified in sections 3 and 4. Guj. 18 of 1993.

3. *Amendment of section 262 of Guj. 18 of 1993.*- In the principal Act, in section 262, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Within four months of the said date, a panchayat for the amalgamated village shall be constituted in accordance with the provisions of this Act and such constituted panchayat, unless sooner dissolved under this Act, shall continue for five years from the date appointed for its first meeting and no longer."

4. *Amendment of section 263 of Guj. 18 of 1993.*- In the principal Act, in section 263, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Within four months of the said date, a panchayat for the respective new village shall be constituted in accordance with the provisions of this Act and such constituted panchayat, unless sooner dissolved under this Act, shall continue for five years from the date appointed for its first meeting and no longer."

S T A T E M E N T

Sections 262 and 263 of the Gujarat Panchayats Act, 1993 provide for the effect of amalgamation of villages and effect of division of villages, respectively.

Sub-section (2) of section 262 of the said Act provides that a panchayat for the amalgamated village shall be constituted within four months of the said date and its duration shall be for such period as the State Government may, having regard to the remainder of the period for which village panchayats in the District in which the amalgamated village is situated, by notification in the *Official Gazette*, specify.

Sub-section (1) of section 263 of the said Act *inter alia* provides that when any village is split up into two or more villages, then, with effect from the date on which the village is so split, the panchayat constituted in respect of such local area shall stand dissolved. Sub-section (2) of the said section 263 provides that a panchayat for a new village shall be constituted within four months of the said date and its duration shall be for such period as the State Government may, having regard to the remainder of the period for which village panchayats in the District in which the respective new villages are situated, by notification in the *Official Gazette*, specify.

It thus appears from the above said provisions that in case of a new village or in case of an amalgamated village, the duration of such panchayat shall be such as may be notified by the State Government taking into consideration the remainder of the period of other village panchayats situated in the concerned district. However, such is not the case with the municipality when a municipality is split up into two or more municipalities as the duration of such reconstituted municipality is five years as provided in section 266 of the Gujarat Municipalities Act, 1963. The Government is of the view that when the amalgamated village or a new village under sections 262 and 263, respectively is constituted, its duration should also be of five years in view of the fact that such panchayats are constituted as a result of the election held for

the purpose of constituting the panchayat. The Government is also of the view that the duration of such panchayats should be on the same lines as in the case of split up municipalities.

Sub-section (2) of section 262 and sub-section (2) of section 263 are therefore, amended suitably in order that the amalgamated village or a new village, when constituted, shall have duration of five years.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

O. P. KOHLI,

Dated the 18th November, 2016.

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

Raj Gopal,

Principal Secretary to Government.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, dated the 3rd December, 2016.

GUJARAT ORDINANCE NO. 5 OF 2016.

AN ORDINANCE

further to amend the Gujarat Provincial Municipal Corporations Act, 1949.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that
Bom. LIX circumstances exist which render it necessary for him to take immediate action
of 1949. to amend the Gujarat Provincial Municipal Corporations Act, 1949;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. **Short title and commencement.**-(1) This Ordinance may be called the Gujarat Provincial Municipal Corporations (Amendment) Ordinance, 2016.

(2) It shall come into force at once.

Bom. LIX
of 1949.

2. **Bom. LIX of 1949, to be temporarily amended.**-During the period of operation of this Ordinance, the Gujarat Provincial Municipal Corporations Act, 1949 shall have effect subject to the amendment specified in section 3.

Bom. LIX
of 1949.

3. **Amendment of section 19 of Bom. LIX of 1949.**-In the Gujarat Provincial Municipal Corporations Act, 1949, in section 19,-

(1) for sub-section (1AA), the following sub-section shall be substituted, namely:-

“(1AA) The Corporation shall at its first meeting after general elections and at its first meeting on expiry of succeeding two and half years elect from amongst the councillors one of its members to be the Deputy Mayor:

Guj. Ord. 5 of
2016.

Provided that the term of the existing Deputy Mayor who is holding the post as such on the date of commencement of the Gujarat Provincial Municipal Corporations (Amendment) Ordinance, 2016 shall be two and half years or till the remainder period of duration of the Corporation, whichever is earlier:

Provided further that the term of the Deputy Mayor, if any, who may be elected after the expiry of the term of the existing Deputy Mayor, shall be till the remainder period of duration of the Corporation.”;

(2) in sub-section (2), after the words, brackets and figure “sub-section (1)”, the words, brackets, figures and letters “or sub-section (1AA), as the case may be,” shall be inserted.

S T A T E M E N T

The existing provisions of sub-section (1AA) of section 19 of the Gujarat Provincial Municipal Corporations Act, 1949 provides for the term of the Deputy Mayor of the Corporation of one year. The term of the Mayor, the Chairman and the members of the Standing Committee, the Chairman and the members of the Transport Committee and the members of every Special Committee of the Corporation is two and half years.

It is, therefore, considered necessary to fix the term of the Deputy Mayor for a period of two and half years so as to bring parity, in so far as the term of the Deputy Mayor is concerned, with other office-bearers. Accordingly sub-section (1AA) of section 19 of the said Act is amended suitably. Provision is also made for enabling the existing Deputy Mayors to have the term of two and half years. Certain consequential amendments have also been carried out.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,
Dated the 3rd December, 2016

O.P.KOHLI,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

Punamchand Parmar,
Additional Chief Secretary to Government.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

REVENUE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 15th December, 2016.

GUJARAT ORDINANCE NO. 6 OF 2016.

AN ORDINANCE

to provide for validation of occupancy and allotment of certain lands of excess vacant land vested in the State Government under sub-section (3) of section 10 of the Urban Land (Ceiling and Regulation) Act, 1976 and whose possession had been taken over by the State Government prior to the 30th March, 1999 and for the matters connected therewith or incidental thereto.

WHEREAS the Government of India had enacted the Urban Land
33 of 1976. (Ceiling and Regulation) Act, 1976 to provide for the imposition of a ceiling

on vacant land in urban agglomerations and for the acquisition of such land in excess of the ceiling limit;

AND WHEREAS in view of sub-section (2) of section 1 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999, the said Repealing Act shall 15 of 1999. apply to any other State from the date on which the Legislature of the State adopts the Act by passing a resolution in that behalf under clause (2) of article 252 of the Constitution of India;

AND WHEREAS the Gujarat State Legislature had adopted the said Repealing Act, 1999 by resolution on the 30th March, 1999 and thus it has come into force in the State of Gujarat with effect from the 30th March, 1999;

AND WHEREAS the Urban Land (Ceiling and Regulation) Act, 1976 33 of 1976. Act has thus been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 with effect from the 30th March, 1999; 15 of 1999.

AND WHEREAS before the repeal of the said Act of 1976, certain excess vacant lands have been vested in the State Government under the provisions of the said repealed Act ;

AND WHEREAS the State Government is required to allot such surplus excess land vested in it in the manner as provided in the said repealed Act;

AND WHEREAS the residential structures had already come up on such excess vacant land the possession of which had been taken over by the State Government prior to the 30th March, 1999;

AND WHEREAS the persons belonging to the lower economic strata of the society in the urban agglomerations have been in occupancy of the residential structures and as such are in the occupation of such excess vacant lands;

AND WHEREAS the State Government is of the view that it will cause great hardships to such occupants if steps are taken to remove them from such occupancy;

AND WHEREAS the State Government is committed to furthering equitable distribution of land in the urban agglomerations for the benefit of the economically weaker sections of the society;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to validate possession of such occupancies and allot to such occupants certain excess vacant land vested in the State Government;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. **Short title and commencement.**-(1) This Ordinance may be called the Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) Ordinance, 2016.

(2) It shall come into force at once.

2. **Definitions.**-In this Ordinance, unless the context otherwise requires,-

- (a) "Corporation" means the Municipal Corporation as defined by clause (10) of section 2 of the Gujarat Provincial Municipal Corporations Act, 1949;
- (b) "excess vacant land" means the land vested in the State Government the possession of which has been taken over by the State Government under the repealed Act before the 30th March, 1999;
- (c) "occupant" means the person who is in occupation of the residential structure constructed on the excess vacant land from or prior to 1st January, 2011 till the date of coming into force of this Ordinance and includes such person who as a result of a transaction or transactions during the period commencing from 1st January, 2011 and ending on 31st May,

2016 is in occupation of such structure on the date of coming into force of this Ordinance;

(d) "occupancy price" means such sum of money as notified by the State Government which the occupant is obliged to pay for validating the occupancy;

(e) "prescribed" means prescribed by rules made under section 15;

(f) "repealed Act" means the Urban Land (Ceiling and Regulation) Act 1976; 33 of 1976.

(g) "residential structure" means an abode of any type on the excess vacant land used by the occupant for the purpose of personal habitation and includes any appurtenant livelihood activities within the said structure;

(h) "State Government" means the Government of Gujarat.

3. Validation of Occupancy and Allotment of Excess Vacant Land.-

Notwithstanding anything contained in any other law or in any judgment, decree or order of any competent Court, the State Government may validate the occupancy and allot certain lands of the excess vacant land vested in it, whose possession was taken over under the repealed Act in the manner as provided hereinafter.

4. Application for Validation of Occupancy of Land and Allotment thereof.-The occupant of the residential structure shall, for the purpose of validation of his occupancy of land and allotment thereof, make an application, in the prescribed form along with such fee as may be prescribed towards the occupancy price as may be determined by the State Government in this behalf, to the Mamlatdar within a period of three months from the date of coming into force of this Ordinance or within such time as may be extended by the State Government by an order, from time to time.

5. Documents to be Submitted with Application.- (1) The occupant shall, alongwith his application shall submit a copy of notice given to him under sections 61 and 202 of the Gujarat Land Revenue Code, 1879 and the orders Bom. V of 1879. thereunder, if any.

(2) The occupant shall, in order to claim the occupancy, submit along with his application of the oldest possible origin, any one or more of the following documents, namely:-

- (i) Ration Card;
- (ii) Aadhar Card;
- (iii) Passport;
- (iv) Driving Licence;
- (v) Voter ID card;
- (vi) Electricity bill;
- (vii) Property tax bill;
- (viii) Water Charges bill;

Provided that the occupant, may in support of his claim of his occupancy, also submit the copy of the sale deed or agreement for sale or an instrument for possession, if any.

(3) The occupant shall, for the purpose of his identity, submit along with his application any one or more of the following documents, namely:-

- (i) PAN card;
- (ii) Aadhar card;
- (iii) Passport;
- (iv) Driving License;
- (v) Voter ID card.

6. *Notice for Inviting Objections by Mamalatdar.*- The Mamalatdar shall, after receiving the application under section 4, issue a notice in such form as may be prescribed inviting thereby the objections from any person within a period of one month from the date of such notice with regard to the claim of occupancy made by the occupant.

7. *Decision of the Mamalatdar.*- (1) In case where the objections have been received pursuant to the notice under section 6, the Mamalatdar shall

consider the same and after giving an opportunity of being heard to all concerned and considering the claims made by them, may either grant the application of the occupant or reject the same.

(2) In case where the occupant's application is not rejected under sub-section (1) and the Mamalatdar is satisfied about the genuineness of the claim of the occupant in respect of the residential structure taking into consideration the relevant documents, he shall issue a notice to the occupant directing thereby him to make the remaining payment towards the occupancy price for the purpose of validation of occupancy and allotment of the excess vacant land:

Provided that for arriving at such satisfaction as referred to above, the Mamalatdar may also take into consideration any data of house to house survey carried out by either the Central Government or the State Government, as the case may be, old records of Ration card and Electoral roll or any other document or documents, as he deems fit, which may be available in his office or in any other public office.

(3) The occupant shall, within a period of one month of the receipt of the notice under sub-section (2), make the necessary payment as envisaged in the notice, failing which his application shall be deemed to have been rejected.

(4) After the necessary payment as provided under sub-section (3) is made, the Mamalatdar shall pass an order, in such form as may be prescribed, of validation of occupancy and allotment of the excess vacant land in the manner and subject to such condition as the State Government may prescribe.

8. Bar of transfer of Allotted Land.-No occupant in whose favour an order is made under sub-section (4) of section 7 for allotment of land or his heirs shall transfer such land before the expiry of fifteen years from the date of such order.

9. Consequences in the event of failing to make an application.-In case where the occupant of any residential structure fails to make an application as provided under section 4 within the prescribed time limit, the occupant shall be

removed from such residential structure and the Mamalatdar shall take the possession of the same treating the residential structure as the encroachment on the excess vacant land in the manner as laid down under the provisions of the Bom.V of 1879. Gujarat Land Revenue Code, 1879.

10. Appeal.- (1) Any person making a claim including the occupant, being aggrieved by any order of the Mamalatdar under section 7, may prefer an appeal before the Appellate Officer within a period of sixty days from the receipt of such order:

Provided that if the Appellate Officer is satisfied that such person was prevented from preferring an appeal within the prescribed time limit for sufficient cause, he may entertain the appeal even after such prescribed time limit but not exceeding six months:

Provided further that in case where appeal is preferred by any person or the occupant, the same shall not be entertained unless the payment is made as is determined by the State Government under section 4 while making an application by the occupant.

(2) The State Government may appoint, by notification in the *Official Gazette*, as many Deputy Collectors as the Appellate Officers for different areas or for part of any area.

(3) The Appellate Officer shall, after affording an opportunity of being heard to such person, may confirm, revise or dismiss the order against which the appeal is preferred.

11. Revision.- (1) Any person, including the occupant, being aggrieved by any order of the Appellate Officer made under section 10, may prefer revision application before the Special Secretary, Revenue Department (Appeal) within a period of sixty days of such order and his decision shall be final:

Provided that in case where the revision application is preferred by any person or the occupant, the same shall not be entertained unless the payment is

made as is determined by the State Government under section 4 while making an application by the occupant.

(2) The Special Secretary, Revenue Department (Appeal) may constitute the special benches at Surat, Vadodara and Rajkot for entertaining the applications made under sub-section (1).

12. Bar of Jurisdiction of Civil Court.- No Civil Court shall have any jurisdiction to deal with or decide any question which the Mamalatdar, the Appellate Officer or the Revision Authority is empowered to deal with or decide by or under this Ordinance and no injunction shall be granted by any Civil Court in respect of any action taken or to be taken in pursuance of any power by or under this Ordinance.

13. Payment Under Sections 4, 10 and 11 to be Refundable.-Any payment made as provided under section 4 by the occupant along with the application or any payment made under section 10 for preferring an appeal or for preferring revision application under section 11 shall be refundable in case where the application, or the appeal or the revision application is rejected or dismissed, as the case may be.

14. Indemnity.-No suit or other legal proceedings shall lie against the State Government or any officer of the State Government in respect of anything which is in good faith done or intended to be done by or under this Ordinance.

15. Power to make rules.-(1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out all or any of the purposes of this Ordinance.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be they are made and shall be subject to the recession by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any recession or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

16. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Ordinance as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Ordinance.

STATEMENT

The Government of India had enacted the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976) to provide for the imposition of a ceiling on vacant land in urban agglomerations and for the acquisition of such land in excess of the ceiling limit. In view of sub-section (2) of section 1 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999, the said Repealing Act shall apply to any other State from the date on which the Legislature of the State adopts the Act by passing the resolution in that behalf under clause (2) of article 252 of the Constitution of India. The Gujarat State Legislature has adopted the said Repealing Act, 1999 by a resolution on the 30th March, 1999 and thus it has come into force in the State of Gujarat with effect from the 30th March, 1999. The Urban Land (Ceiling and Regulation) Act, 1976 has thus been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 with effect from the 30th March, 1999.

Before the repeal of the said Act of 1976, certain excess vacant lands had vested in the State Government under the provisions of the said repealed Act, the possession of which had been taken over by the State Government. The State Government is required to allot such surplus excess land vested in it in the manner as provided in the said repealed Act. However, in certain cases, the residential structures had already come up before the 30th March, 1999 on such excess vacant land the possession of which had been taken over by the State Government. The average holding size of the excess land occupied by the person concerned is in the range of twenty-five Sq.Mtrs. to seventy Sq.Mtrs. which itself suggests that most of the said persons belong to the weaker sections of the society in the urban agglomerations who have been in occupancy of the residential structures and as such are in the occupation of such excess vacant lands.

The State Government has been allotting the excess vacant land for the intended purpose particularly for housing for the economically weaker sections of the society. However, some of the excess vacant land had constructions, and therefore, the possession of such lands was taken along with constructions, such lands could not be allotted for the intended purpose since the said lands

had constructions mostly residential and in some cases industrial and commercial in nature.

The said occupants, particularly residential occupants have an infirm title over these lands and hence are unable to access the formal financial system, for the purpose of credit, up-gradation and expansion of their housing requirements. Therefore, this form of residential housing is slowly dilapidating over the time and this is causing a grave risk to public health. In addition, the occupants are also living under the threat of dispossession furthering deepening sense of vulnerability among the lower economic strata.

On the other hand, the State Government has adopted a policy of providing housing at affordable prices for the lower and middle class of the society so as to bring about an overall improvement in the standard of living and for rehabilitation of slums and poor housing stock in urban areas. While the encroachment for residential purposes on Government and private lands classified as slums have the benefit of the slum rehabilitation policy, residents on excess vacant lands could not benefit from the policies for up gradation of housing for the urban poor and lower middle class. It is therefore necessary to afford an opportunity to these residents to validate their occupancy and thus enable them to enjoy the benefit of housing as part of the overall policy to provide housing for all.

The State Government is of the view that it will cause great hardship to such occupants if steps are taken to remove them from such occupancy. The State Government is committed to furthering equitable distribution of land in the urban agglomerations for the benefit of the economically weaker sections of the society.

The State Government has, therefore, decided to validate the occupancy and allot certain lands of these excess vacant land whereon the residential structures have been constructed by the occupants who are in possession of such excess vacant land on the date of coming into force of this Ordinance in order to mitigate the grave hardships which they may have to otherwise face. Occupancy shall be validated in case where a person who is in occupation of the residential structure constructed on the excess vacant land from or prior to

1st January, 2011 till the date of coming into force of this Ordinance or who as a result of a transaction or transactions during the period commencing from 1st January, 2011 and ending on 31st May, 2016 is in occupation of such structure on the date of coming into force of this Ordinance and in view of this, no occupancy shall be validated in case where a person claims to have come into possession of such residential structure on or after 1st June, 2016.

As the Legislative Assembly of the State of Gujarat is not in session, the Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) Ordinance, 2016 is promulgated to achieve the aforesaid object.

Dated the 13th December, 2016

O. P. KOHLI,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

HAREET SHUKLA,
Secretary to Government.



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The Gujarat Government Gazette

EXTRAORDINARY

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

HOME DEPARTMENT

Sachivalaya; Gandhinagar, Dated the 19th December, 2016.

GUJARAT ORDINANCE NO. 7 OF 2016.

AN ORDINANCE

further to amend the Gujarat Prohibition Act, 1949.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

Bom. XXV
of 1949. AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Prohibition Act, 1949;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. **Short title and commencement.**-(1) This Ordinance may be called the Gujarat Prohibition (Amendment) Ordinance, 2016.

(2) It shall come into force at once.

2. **Bom. XXV of 1949 to be temporarily amended.**- During the period of operation of this Ordinance, the Gujarat Prohibition Act, 1949 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 28.

Bom. XXV of
1949.

3. **Amendment of section 2 of Bom. XXV of 1949.**- In the principal Act, in section 2, in clauses (29), (33) and (52), for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted.

V of 1898.
2 of 1974.

4. **Amendment of section 65 of Bom. XXV of 1949.**- In the principal Act, in section 65,-

- (i) in clause (e), for the words "sells or buys", the words "possesses, transports, sells or buys" shall be substituted;
- (ii) for the portion beginning with the words "shall, on conviction" and ending with the words "also with fine", the following portion and the proviso thereunder shall be substituted, namely:-

"shall, on conviction, be punished for each such offence with imprisonment for a term which may extend to ten years and with fine which may extend to five lakh rupees:

Provided that, in absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court-

- (i) for a first offence, such imprisonment shall not be less than two years and fine shall not be less than one lakh rupees;
- (ii) for a second offence, such imprisonment shall not be less than three years and fine shall not be less than two lakh rupees;

- (iii) for a third or subsequent offences, such imprisonment shall not be less than seven years and fine shall not be less than five lakh rupees.”.

5. **Insertion of a new section 65AA in Bom. XXV of 1949.**-In the principal Act, after section 65, the following section shall be inserted, namely:-

Punishment for possession, etc., of lesser quantity of intoxicant.

“65AA. Notwithstanding anything contained in sections 65 or 66, whoever sells, buys, possesses or transports any intoxicant which is less than in quantity as specified by the State Government by notification in the *Official Gazette*, shall, on conviction, be punished, for each such offence with imprisonment for a term which may extend to three years and also with fine.”.

6. **Amendment of section 66 of Bom. XXV of 1949.**- In the principal Act, in section 66, in sub-section (1),-

- (i) in clause (b), for the words “consumes, uses, possesses or transports”, the words “consumes or uses” shall be substituted;

- (ii) for paras (ii) and (iii), the following para shall be substituted, namely:-

“(ii) for a second or subsequent offences, with imprisonment for a term which may extend to two years but which shall not be less than six months and with fine which may extend to two thousand rupees.”.

7. **Amendment of section 67 of Bom. XXV of 1949.**- In the principal Act, in section 67,-

- (i) in sub-section (1), for the words “one year” and “one thousand rupees”, the words “three years” and “one lakh rupees” shall be substituted, respectively;
- (ii) in the proviso to sub-section (1), for the words “three months” and “five hundred rupees”, the words “one year” and “fifty thousand rupees” shall be substituted, respectively.

8. **Amendment of section 67-1A of Bom. XXV of 1949.**- In the principal Act, in section 67-1A,-

- (i) in sub-section (1), for the words “one year” and “one thousand rupees”, the words “three years” and “one lakh rupees” shall be substituted, respectively;
- (ii) in the proviso to sub-section (1), for the words “three months” and “five hundred rupees”, the words “one year” and “fifty thousand rupees” shall be substituted, respectively.

9. *Amendment of section 68 of Bom. XXV of 1949.*- In the principal Act, in section 68, for the portion beginning with the words “shall, on conviction” and ending with the words “one thousand rupees” as appearing in clause (iii), the following portion shall be substituted, namely:-

“shall, on conviction, be punished for each such offence with imprisonment for a term which may extend to ten years but which shall not be less than seven years and with fine which may extend to one lakh rupees.”.

10. *Amendment of section 85 of Bom. XXV of 1949.*- In the principal Act, in section 85, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Whoever, in any street, thoroughfare, public place, in any place to which the public have or are permitted to have access, is drunk and creates nuisance, takes up a quarrel with any person, uses foul or abusive language, indulges in fight with others, misbehaves with any woman or behaves obscenely, shall, on conviction, be punished with imprisonment for a term which may extend to three years but which shall not be less than one year and with fine.”.

11. *Amendment of section 91 of Bom. XXV of 1949.*- In the principal Act, in section 91, in sub-section (2), for the words and figures “the Code of Criminal Procedure, 1898”, the words and figures “the Code of Criminal Procedure, 1973” shall be substituted.

V of 1898.

2 of 1974.

12. *Deletion of section 92 of Bom. XXV of 1949.*- In the principal Act, section 92 shall be deleted.

13. *Amendment of section 93 of Bom. XXV of 1949.*- In the principal Act, in section 93, in sub-section (2), for the words and figures V of 1898. “the Code of Criminal Procedure, 1898”, the words and figures “the 2 of 1974. Code of Criminal Procedure, 1973” shall be substituted.

14. *Amendment of section 97 of Bom. XXV of 1949.*- In the principal Act, in section 97,-

(i) for the words “one year” and “one thousand rupees”, the words “three years” and “fifty thousand rupees” shall be substituted, respectively;

(ii) the following proviso shall be added, namely:-

“Provided that any officer who abets the offence punishable under section 65A shall, on conviction, be punished with imprisonment which may extend to seven years and with fine which may extend to one lakh rupees.”.

15. *Amendment of section 102 of Bom. XXV of 1949.*- In the principal Act, in section 102, in sub-section (1), for the words and figures V of 1898. “the Code of Criminal Procedure, 1898”, the words and figures 2 of 1974. “the Code of Criminal Procedure, 1973” shall be substituted.

16. *Amendment of section 104 of Bom. XXV of 1949.*- In the principal Act, in section 104, in the first proviso to sub-section (1), for the words “not exceed five hundred rupees”, the words “be such as the State Government may by notification in the *Official Gazette*, specify” shall be substituted.

17. *Amendment of section 104A of Bom. XXV of 1949.*- In the principal Act, in section 104A, for the words and figures “section 562 of the Code of Criminal Procedure, 1898”, the words and figures V of 1898. “section 360 of the Code of Criminal Procedure, 1973” shall be substituted. 2 of 1974.

18. *Deletion of section 115 of Bom. XXV of 1949.*- In the principal Act, section 115 shall be deleted.

19. *Amendment of section 115A of Bom. XXV of 1949.*- In the principal Act, in section 115A, for the words and figures “the Code of Criminal Procedure, 1898”, the words and figures “the Code of Criminal Procedure, 1973” shall be substituted. V of 1898.
2 of 1974.

20. *Deletion of sections 116 and 116A of Bom. XXV of 1949.*- In the principal Act, sections 116 and 116A shall be deleted.

21. *Amendment of section 117 of Bom. XXV of 1949.*- In the principal Act, in section 117, for the portion beginning with the words “Save as otherwise” and ending with the words and figures “Code of Criminal Procedure, 1898”, the following portion shall be substituted, V of 1898.
namely:-

“All investigations, arrests, detention in custody and searches shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.”. 2 of 1974.

22. *Deletion of section 118 of Bom. XXV of 1949.*- In the principal Act, section 118 shall be deleted.

23. *Amendment of section 120 of Bom. XXV of 1949.*- In the principal Act, the existing section 120 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

“(2) Whoever assaults or obstructs any officer or person from discharging his duties or exercising his powers under this Act, shall on conviction, be punished with imprisonment which may extend to five years and with fine which shall not be less than five lakh rupees.”.

24. *Amendment of section 128 of Bom. XXV of 1949.*- In the principal Act, in section 128, in sub-section (2), for the words and figures “the Code of Criminal Procedure, 1898”, the words and figures V of 1898.
2 of 1974. “the Code of Criminal Procedure, 1973” shall be substituted.

25. Amendment of section 129 of Bom. XXV of 1949.- In the principal Act, in section 129, in sub-section (2), for the words and figures “the Code of Criminal Procedure, 1898”, the words and figures “the Code of Criminal Procedure, 1973” shall be substituted.

26. Amendment of section 131 of Bom. XXV of 1949.- In the principal Act, in section 131, for the words and figures “the Code of Criminal Procedure, 1898” occurring at two places, the words and figures “the Code of Criminal Procedure, 1973” shall be substituted.

27. Amendment of section 141 of Bom. XXV of 1949.- In the principal Act, in section 141, in sub-section (1), for the words and figures, “under sections 65”, the words, figures and letter “under sections 65, 65A,” shall be substituted.

28. Amendment of section 146A of Bom. XXV of 1949.- In the principal Act, in section 146A, in sub-section (2), for the words and figures “the Code of Criminal Procedure, 1898”, the words and figures “the Code of Criminal Procedure, 1973” shall be substituted.

STATEMENT

The State of Gujarat has been a dry State since its inception in 1960 and since then all successive governments have adhered to the policy of prohibition and have implemented the same vigorously. The State Government is also fully committed to the said policy and does not intend to let it up in any manner whatsoever. This State Government is also committed to the ideals and principles of Mahatma Gandhi and firmly intends to eradicate the menace of the drinking of liquor. This Government is well aware of the ill-effects of the habit of drinking, particularly amongst the down trodden.

It has come to the notice of the State Government that with the increase of facilities in transportation and communication, it has become rather easier for the bootleggers and offenders to indulge in transportation of liquor from other States to this State and from one place to another within the State. In order to implement the policy of prohibition more strictly and more vigorously, it is inevitable that the transportation of liquor is restricted to the greatest extent. It is also inevitable that other activities relating to liquor like manufacturing, bottling, selling, buying are also restricted as far as possible.

The present Prohibition Act as applicable in the State of Gujarat was enacted in the year 1949. The punishments provided for different offences under this Act are not deterrent enough to create a fear in the minds of the offenders and as a result of which the offenders continue to indulge in the offences under the Act without much fear and the offences under the Act have been increasing to the extent to which the State Government can not keep its eyes closed. To curb this menace, the State administration and the police force are taking all necessary steps but it appears that it has also become absolutely necessary that those who contravene the provisions of the Act are awarded more deterrent punishments than the present ones.

It is, therefore, considered necessary to increase the quantum of punishment provided under the said Act and as such relevant sections are amended accordingly to achieve the object. An opportunity is also

taken to amend the reference of the Code of Criminal Procedure, 1898 in the Act to that of the Code of Criminal Procedure, 1973 and certain sections are also deleted taking into consideration the non-applicability of the same.

As the Legislative Assembly of the State of Gujarat is not in session, the Gujarat Prohibition (Amendment) Ordinance, 2016 is promulgated to achieve the aforesaid objects.

Dated the 19th December, 2016.

O. P. KOHLI
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

M. S. DAGUR
Additional Chief Secretary to Government.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 20th December, 2016.

GUJARAT ORDINANCE NO. 8 OF 2016.

AN ORDINANCE

*further to amend the laws relating to salaries and allowances of Members,
Speaker and Deputy Speaker of the Gujarat Legislative Assembly and of Ministers
and Leader of the Opposition.*

WHEREAS the Legislative Assembly of the State of Gujarat is not in
session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the laws relating to salaries and allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly and of Ministers and Leader of the Opposition;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. **Short title and commencement.-** (1) This Ordinance may be called the Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Ordinance, 2016.

(2) It shall come into force at once.

2. **Guj. II of 1960, Guj. III of 1960, Guj. VI of 1960 and Guj. 16 of 1979 to be temporarily amended.-** During the period of operation of this Ordinance, the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960, the Gujarat Ministers' Salaries and Allowances Act, 1960 and the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979 shall have effect subject to the amendments specified in sections 3 to 7.

Guj. II of 1960.

Guj. III of 1960.

Guj. VI of 1960.

Guj. 16 of 1979.

3. **Amendment of section 8 of Guj. II of 1960.-** In the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, in section 8,-

Guj. II of
1960.

(i) sub-section (5) shall be deleted;

(ii) *Explanation* (2) shall be deleted.

4. **Deletion of sections 7 and 12E of Guj. III of 1960.-** In the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960, section 7 and section 12E shall be deleted.

Guj. III of
1960.

5. Deletion of section 10 of Guj. VI of 1960.- In the Gujarat Ministers' Salaries and Allowances Act, 1960, section 10 shall be deleted.

6. Deletion of section 7 of Guj. 16 of 1979.- In the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979, section 7 shall be deleted.

7. Amendment of section 12 of Guj. 16 of 1979.- In the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979, in section 12, in sub-section (2), clause (c) shall be deleted.

STATEMENT

The Members, the Speaker and the Deputy Speaker of the Gujarat Legislative the Assembly, the Ministers and Leader of the Opposition, and the members of their family are entitled to medical facilities as provided in the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960, the Gujarat Ministers' Salaries and Allowances Act, 1960 and the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979, respectively.

It appears from the relevant existing provisions of the above said Acts that the medical facility is available to the Members, the Speaker and the Deputy Speaker of the Gujarat Legislative Assembly, the Ministers and Leader of the Opposition and their family members in the hospitals maintained by the Government. There is no law in existence for providing medical facilities to the ex-members of the Legislative Assembly and that the said members are provided the medical facilities by an executive order of the State Government. The State Government is considering the review of the overall policy of medical facilities available to the said dignitaries and to the ex-members of the Legislative Assembly. The State Government is of the view that the medical facilities to the said dignitaries and to the ex-members of Legislative Assembly should be provided by an executive order in order to have a uniform policy for all. In view of this, the relevant provisions as regards the medical facilities available to the said dignitaries are either deleted or amended so as to enable the State Government to frame a separate policy in this regard.

As the Gujarat Legislative Assembly is not in Session, this Ordinance is promulgated to amend the laws relating to salaries and allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly and of Ministers and Leader of the Opposition to achieve the aforesaid object.

Dated the 19th December, 2016.

O. P. KOHLI,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

C. J. Gothi,
Secretary to Government.
